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The Prologue

WHAT was the ISRO 'espionage' stink all about? A simple case of overstay of a Maldivian woman, painted in sinister colours by both the press and police in Kerala?

Was it the outcome of the sexual frustration of a Circle Inspector, who thought he had an easy game in hand? Or the wrath of a local newspaper against a high-profile IG and a self-styled king-maker of Indian politics?

Could it be a case of the legal forums going overboard till the Supreme Court pulled the bridle and set things right? Or a meticulously planned international commercial conspiracy, executed through the American moles planted in the IB, to scuttle the satellite-launching potential of India and deny the nation a share of the multi-billion dollar 'space market'?

These questions cry for an answer, particularly when those responsible for the subversion of the system that saw predetermined victims, including two noted scientists, put to such horrible torture, remain unpunished.

The chain of events that pulled the ISRO down from its soaring pride, hardly five days after the successful launch of PSLV-D 2, began at 4.15 p.m. on October 20, 1994, with the arrest of Mariam Rasheeda, a Maldivian woman held up in India due to the cancellation of Indian Airlines flights following the plague scare.

A case of overstay was registered against her. But, next day, *Desabhimani*, the CPI (M) organ, reported the arrest as a crackdown on a spy-ring operating from ISRO. The story took a new turn with *Kerala Kaumudi*, another local newspaper, naming Raman Srivastava, the then IG (South Zone), as the kingpin of the spy-ring. The media and politicians

cried for his blood. But an arrogant K. Karunakaran ignored the mood of the public, creating a strong impression that the Chief Minister was shielding his blue-eyed cop.

Meanwhile, the Kerala police enlarged the spy-ring beyond Mariam Rasheeda to register a case of espionage against Fauziya Hassan, another Maldivian, K. Chandrasekhar, the representative of Glavkosmos in India, S. K. Sharma, a Bangalore-based labour contractor, S. Nambi Narayanan and D. Sasikumaran, ISRO scientists. The cases were handed over to a Special Investigation Team headed by Siby Mathew, IPS.

On December 2, 1994, the cases were transferred to the CBI, after Siby Mathew had put it on record that the Kerala police was ill-equipped to investigate the spy case. The CBI registered one more case against all the accused under the Prevention of Corruption Act.

At this juncture, a legal forum based in Kochi moved a public interest litigation before the High Court of Kerala, seeking direction to the CBI to arrest Raman Srivastava. A Division Bench dismissed the case on January 13, 1995 but ruled, quoting IB records, that the IG had links with the spy-ring and criticised the CBI for taking a lenient stand towards the police officer. Srivastava was suspended the same day. At the political level, the ruling triggered a coup led by Karunakaran's arch rival A.K. Antony with the overt support of the press in Kerala, which saw the exit of Karunakaran from Chief Ministership that eventually paved the way for his long political exile.

The CBI, RAW, IB and the Union Home Ministry moved a joint Special Leave Petition before the Supreme Court against the observations of the High Court. The court passed its orders on April 5, 1995, chiding the High Court's interference with the cryptic comment, "we say no more."

On November 14, 1995, the Chief Judicial Magistrate, Ernakulam, acquitted Mariam Rasheeda in the overstay case and observed that Inspector Vijayan who had arrested her was chasing the victim "from the middle of October 1994, obstructing her from leaving India".

Though different courts trying the cases had granted bail to all the accused as early as January 19, 1995, the two

Maldivians could not taste freedom for want of sureties.

While under judicial custody, Mariam Rasheeda gave two separate interviews to *India Today* and *Savvy*. She told *India Today* that Vijayan and Sub-Inspector Thampi S. Durgadutt had tortured her. To *Savvy*, she confided that she was a victim of Vijayan's thwarted sexual advances. The interview generated four defamation cases—three criminal and one civil. All the cases are pending before different courts in Trivandrum.

On May 2, 1996, the CJM, Ernakulam, accepted the Refer Report filed by the CBI in the 'espionage' case, discharging all the accused on the count, that the case was "false". In the corruption case too, the CBI court discharged all the accused, except Sasikumaran, on the basis of the CBI's Refer Report.

At that point of time, technically speaking, Fauziya Hassan was absolutely free. But Inspector Vijayan filed a defamation case against her over an interview given to Asianet TV, and Fauziya was remanded to judicial custody, again for want of sureties.

On June 27, 1996, the newly-elected Left Democratic Front government in Kerala ordered further investigation in the spy case. The accused and the CBI challenged the notification. A Division Bench of the Kerala High Court didn't quash the notification, but ruled that the State government has no jurisdiction even to file a complaint before a court under the Indian Official Secrets Act, 1923. The order was challenged before the Supreme Court by the accused, the CBI and the Union Government.

On December 11, 1996, Fauziya Hassan was discharged from the defamation case. Within a couple of hours the State government invoked the draconian National Security Act against her. But a year later, the government was forced to set her free, as the Act did not permit detention beyond twelve months. She then flew back to Maldives, a free bird.

The story of Mariam Rasheeda also has a similar note. On September 6, 1997, the court granted her unconditional bail in all the defamation cases. But the State government invoked the NSA against her also, thus preventing her from leaving India even after she was acquitted of all the major

charges levelled against her.

On April 29, 1998, the Supreme Court quashed the Kerala government's notification for further investigation. The very next day, the State government revoked the NSA and Mariam Rasheeda was free.

Meanwhile, ISRO reinstated Nambi Narayanan and Sasikumaran who were under deemed suspension following their arrest. S. K. Sharma has rebuilt his business. K. Chandrasekhar has reopened his ties with Glavkosmos. And Raman Srivastava has been reinstated following an order by the Central Administrative Tribunal. By a strange irony, Srivastava donned the uniform again as the IG of Armed Police Battalion and Traffic on the same day the Supreme Court quashed the Government notification.

This is how the 'ISRO espionage case' rests now. After more than four years of heat and dust, the sensational sex-sleaze-spy scandal stands demolished as false and baseless, fabricated and planted. The public has been pushed into a world of utter confusion, with a lot of questions remaining unanswered and many more emerging afresh from the residue, like killer germs that leave the corpse in search of living ones.

The deadly germs the dangerous questions If the espionage case was false, as all the evidence would suggest, who planted it? And why? What were the motives? What was the modus operandi? And who were the targets?

This book attempts to answer these disturbing questions. The first three parts of the book are based on tell-tale documents, confidential papers and court records. Since the IB interrogators never revealed their identity to the accused, I am constrained to identify them as Mr A., Mr B., Mr C. etc.

The fourth part, The Victims, is an authentic portrayal of the trauma the victims had to undergo. The seven chapters in this part are based on lengthy interviews, personal diaries and notes made by the victims. No melodrama has been added. I have only chipped off the non-dramatic time and space from their personal trauma. Still, the reader may find it more dramatic than fiction.

But then, truth is always stranger than fiction, especially in this case, when the spies who came in from the heat to

damn the system ask questions that would ever remain unanswered. And those echoing them run the risk of being branded traitors by the establishment, where the press also becomes a willing accomplice by suppressing its questioning spirit.

PART ONE

The Plot

Chapter 1

A Male Ego is Hurt

ON October 8, 1994, Mariam Rasheeda, a Maldivian citizen holding passport No: A-080493 issued by the Government on 6.6.93 and valid till 5.6.98 met Inspector S. Vijayan around 11.30 a.m. at his office in Trivandrum. She wanted her stay in India to be extended beyond October 17.

The Maldivians need no Visa to stay in India. Circular No. 89 dated 1.3.90 issued by the Ministry of Home Affairs, Government of India, has exempted Maldivians from the requirement of Visa, provided their stay does not exceed 90 days during a period of six months following their first entry into India in a given year.

Mariam Rasheeda made three visits to India in 1994. The first was on June 2, 1994 and she returned seven days later. She came to Trivandrum again on June 20, and returned after 13 days. On August 8, she landed at Trivandrum airport by flight No. IC 964 at 2.30 p.m. Her visit was sponsored by Fauziya Hassan's daughter Nasiha. She flew to Bangalore with US \$1700 for Fauziya the same day and stayed with her friend. Both Maldivians returned to Trivandrum on September 17, 1994.

Mariam's 90-day grace period was to end one month later.

On October 8, she met Inspector Vijayan of the Foreigners Section in the City Police Commissioner's office to obtain permission from the Commissioner for staying in India beyond October 17. It is required under rule 7 of the Foreigners Order, 1948.

Mariam Rasheeda had legitimate grounds to stay beyond

the deadline. Indian Airlines had cancelled direct flights to Maldives, indefinitely, since October 4, 1994 following the plague scare. She had two air tickets to Maldives for the 17th. One by Indian Airlines and the other by AirLanka. But, she was not sure whether she could leave for Maldives before the deadline. Hence her meeting Inspector Vijayan.

He took her travel documents and said he needed them for processing her papers. She went to his office after three days, but he was not there. On the 12th, Inspector Vijayan went to Room 205, Hotel Samrat, ostensibly to get some clarifications from her. He asked Fauziya Hassan to wait outside.

"Mariam, you need not worry. You will get your papers ready", he told her. Vijayan asked about her family. When she told him she was a divorcee, he threw a wicked smile at her. He moved close to her and placed his hands on her right shoulder, and allowed his hands to slip down.

Fauziya was watching the busy road below when she heard the shrill voice of Mariam. "Bas. . . , you get out." She rushed back to her room and saw the Inspector storming out of the room with sex still burning in his eyes and anger exploding from his cheeks. His head was down.

"I will finish you. I will complain to the IG. I know him personally," Mariam was burning with fury.

Next day she went to meet him in the Commissioner's office complex. And again after two days. On both occasions she couldn't meet him. He was not there. Little did she know that he was at her hotel, busy searching for something that would help him pre-empt her move to complain against him. At the same time, he wanted to take revenge for the humiliation she had inflicted on his male ego.

From the hotel sources he learned that Mariam was a bit flirty. Telephone records showed that she had been making calls to two numbers in Trivandrum and one in Mangalore. He left the Mangalore number and focussed on the local numbers. He traced the holder of the first number, 330638. D. Sasikumaran, Dy. Project Director, Cryogenic Project, Liquid Propulsion Systems Centre, residing near Ayurveda College.

On October 13, around 8.30 p.m., Inspector Vijayan tried the first number.

"Sasikumar here," came the response from other end.

"Do you know one Maldivian by name Mariam Rasheeda?" he asked.

"Yes. She is staying in Hotel Samrat."

"Have you been to the hotel?"

"Yes".

"Have you taken her out?"

"Yes. But who are you to ask these questions?"

Vijayan didn't reply. He cut the line. And, tried the next one, 572284. To his great surprise that was the office number of the same Sasikumaran.

A flash went through his head.

Meanwhile, *Desabhimani*, the CPI (M) organ, and *Indian Communicator*, a low-profile English daily, carried a report about foreigners who came to India without proper documents and who jump bail later. The stories hinted at a possible nexus between the airport authorities and some lawyers in the Trivandrum Bar abetting drug trafficking. Police Commissioner V.R. Rajivan, on October 15, issued an order to the Foreigners Section to do a random check on the foreigners in Trivandrum. Inspector Vijayan got the opportunity he had been waiting for. He included Mariam Rasheeda in his random sample, suppressing the facts that she had already met him and that her travel documents were with him. He could suppress that easily since he had not recorded the seizure of her travel documents.

On October 15, he questioned her.

"What brought you here?"

"I brought money for admission to Fauziya's daughter," she said.

"What are you doing in Maldives?"

"Working in the Army", she told.

"Where is your identity card?"

She had none. She never had one. She was only a clerk in the personnel records section of the National Security Service, Maldives, that too from the latter part of 1988 to the first quarter of '94.

But, she has always been like that. Shows off too much.

In her attempt to show off she even told Vijayan that she was an agent of the Maldivian government to track down the anti-Maumoon Abdul Gayoom operations of some disgruntled Maldivians based in Bangalore.

Vijayan knitted the pieces together. As a policeman he knew that offence was the best form of defence. The same day he met the Police Commissioner with a story which read like this.

On October 15, while executing the orders of the Police Commissioner, Inspector Vijayan came across a Maldivian woman by name Mariam Rasheeda who was overstaying in India since October 14 without any valid reasons. He then kept her under surveillance and found her in constant touch with an ISRO scientist.

Vijayan presented ISRO as a centre linked to defence research, and the Police Commissioner swallowed it hook, line and sinker. On his part, the Commissioner informed the IB and RAW about the possibility of a breakthrough in a major espionage case.

The wisemen of IB in Trivandrum felt a bit lowered in status. How could an ordinary Inspector unearth a spy-ring, causing disgrace to the professional intelligence-gatherers who have opened files on the brand of sanitary napkins and condoms being used by the political rivals of the powers that be. The IB sprang into action. So did RAW. The central outfits interrogated both Mariam and Fauziya first on October 16 and then on October 19.

After the second round of interrogation was over, the cop tried to contact the correspondent of *Indian Communicator* who had filed the story about drug trafficking. But, he didn't get him. So he contacted his journalist friend in *Thaniniram*, an evening paper, and 'leaked' the news about a spy who had come to destroy India. He also gave an anonymous call to *Desabhimani*.

Once the plot to flash the story was set, the Inspector informed the Commissioner that the Press had come to know of Mariam's detention. The Commissioner wired up R.B. Sree Kumar, Dy. Director, IB who told him that his agency couldn't get anything incriminating from her. Commissioner V. R. Rajivan then suggested that he can book her for over-

stay so that the IB would get more time for further probe.¹ That was acceptable to Sree Kumar. Rajivan gave directions to Vijayan to arrest Mariam Rasheeda the next day.

That was on October 20, 1994.

Oblivious of the plot, Mariam telephoned Inspector Vijayan to find out whether her papers were ready. He asked her to come to his office at 4 p. m. By that time the evening paper had flashed the arrest. Only she didn't know that. She waited in front of the office when the photographer of *Desabhimani* slowed his motor-cycle in front of her and clicked a snap. Vijayan then called her in. He asked her to remove her ornaments and told her that she was under arrest. From there she was taken to Vanchiyoore police station, where her arrest was made, technically, and then to the women's cell.

Next day, *Desabhimani* flashed the scoop. "Police have arrested a foreign defence officer on a mission to spy on India's PSLV technology. The Maldivian woman, Mariam Rasheeda, is a high-profile secret agent in the National Security Service. She had been in constant touch with a senior ISRO scientist and had contacted him thirteen times over the phone. The police have been closely monitoring the activities of foreigners following a report in this daily, a few days back, that foreign spies are having a free hand in the city."

Meanwhile, Inspector Vijayan prepared a report in Malayalam and got the draft corrected by the Commissioner himself. That became the genesis of the police version of Mariam's arrest, based on which the Commissioner sent a confidential letter to the DGP.²

That Inspector Vijayan had been telling half-truths right from the beginning was evident from the report he had sent to Thampi S. Durgadutt, SI, Vanchiyoore police station, requesting him to effect Mariam's arrest. The arrest report, produced before the court on October 21, 1994, was in line with this new and different version. It reads:

"Inspector Vijayan, through some sources, came to know that Mariam Rasheeda was in constant touch with scientists who are connected with the defence of India. On enquiry, he understood that she had shifted from Hotel Samrat to a rented house. On October 20, '94, he went to the house and verified her passport. He found her overstaying

ing since October 14. As she had violated Rule 7 of the Foreigners Order, 1948, and Section 14 of the Foreigners Act, 1946, she was detained in the interest of the sovereignty and integrity of the country, and later arrested."

Now, which among the two records tells a lie?

The truth is that both the Inspector and the Commissioner were suppressing something. The proof of this is the judgement of the Chief Judicial Magistrate, Ernakulam, who tried Mariam Rasheeda's overstay case.³ The judgement delivered a year and 24 days after her arrest reads:

"It is apparent that October 17, '94 was the last day permissible for the stay of the accused in India."

This finding demolishes the very base of the Commissioner's theory. It means, Inspector Vijayan had no reason to suspect Mariam Rasheeda when he checked her passport on October 15. The police version that she was overstaying since October 14, and that she couldn't give valid reasons for her overstay when Inspector Vijayan checked her passport the next day is, to put it mildly, a lie.

So it was not overstay, but something else which had motivated Vijayan to keep surveillance over Mariam. The judgement gives a clue.

"In fact, she was chased by the police party consisting of Inspector Vijayan and others at least from the middle of October, obstructing her from leaving India."

The word 'obstruction' has special significance. It means, Inspector Vijayan had seized her travel documents, a fact both he and the Commissioner had suppressed.

The judge asserts:

"I find no reason to disbelieve the defence version that the air tickets were recovered by Inspector Vijayan from Mariam Rasheeda with the intention of obstructing her from leaving India for the purpose of arresting her on grounds of overstay."

But, Inspector Vijayan denied this even before the court. The court observes:

"When Inspector Vijayan was recalled and further cross-examined, he denied to have seized the air tickets from Mariam Rasheeda."

Why should Inspector Vijayan suppress certain vital in-

formation even before the court of law when he has every right to seize her travel documents if she was really overstaying when he checked her passport?

The judgement further nails down Inspector Vijayan's report to the Sub-Inspector of Vanchiyoore Police Station that he encountered Mariam Rasheeda only on October 20, the date of her arrest. The judgement reads:

"Inspector Vijayan has further deposed in cross-examination that before the accused was arrested, he had the opportunity to see and question her on two occasions. He had questioned her at Hotel Samrat two or three days prior to her arrest and also at the office of the City Police Commissioner."

So, he went to Hotel Samrat and met Mariam Rasheeda in her room. It is obvious that he didn't want to put on record that he had touched her body and that she had humiliated him. The judgement throws light on the dubious nature of Inspector Vijayan.

"He evaded from disclosing his first meeting with Mariam Rasheeda by saying that he did not remember."

It is strange that a police officer who claimed to have cracked a spy-ring working to destabilise the sovereignty of the nation couldn't remember the date on which he met the queen bee of the ring. He couldn't afford to remember, as it would have revealed a whole lot of unpleasant things.

The judgement then corners Inspector Vijayan on Mariam Rasheeda's allegation that Vijayan had made some overtures to her, but spares him for lack of evidence. "There is absolutely nothing in evidence to substantiate the allegation put forth by Mariam Rasheeda that she was implicated by reasons of her refusal to comply with the overtures of Inspector Vijayan."

But, Mariam, on her part has taken the consistent stand that she is a victim of the sexual frustration of Inspector Vijayan. She said this first to the *Savvy* magazine.⁴ Though Vijayan filed a defamation case for saying that, Mariam repeated the allegation in her petition to the National Human Rights Commission⁵, the Kerala State Women's Commission⁶ and the Chief Justice of India⁷. The Supreme Court accepted her letter as a Special Leave Petition and engaged

a lawyer for her.

Again, though Inspector Vijayan repeatedly claimed that he had suspected her to be a spy, the CJM's judgement provides ample ammunition to blast his theory. "It is significant to note that all the movables of the accused, excluding her wearing apparels and Citizen watch, are stated to have been entrusted with Mohammed Nayim even on the date of her arrest", the judgement reads.

Nayim is a relative of Mariam. He was allowed to return to Maldives with the movables of Mariam Rasheeda after she was arrested. Will any police officer, who keeps track of a spy, ever allow a relative of the prime accused to leave India with her movables after her arrest?

The dubious moves of Inspector Vijayan, with the connivance of Commissioner V.R. Rajivan, even after the arrest of Mariam Rasheeda, need a lot of explaining.

The additional Chief Judicial Magistrate, Trivandrum, remanded Mariam Rasheeda to police custody, specifically under the custody of Inspector Vijayan, on November 3, 1994. But, he entrusted her to the Intelligence Bureau officials for interrogation, knowing fully that the IB is a civilian body and has no legal right to interrogate an accused under police custody. Flagrant case of dereliction of duty with regard to the court order. Was the Commissioner totally unaware of this illegal act?

Inspector Vijayan brought photographs of Raman Srivastava, both in uniform and mufti, and forced her to identify them. Raman Srivastava, IG (South Zone) was the immediate boss of V. R. Rajivan. Did Vijayan do that without the knowledge of the Commissioner?

The remand report of Mariam Rasheeda dated November 14, 1994 submitted before the court seeking extension of her custody bears the signature of Inspector Vijayan. The court extended the custody and returned her to the hands of Inspector Vijayan. The Government of Kerala constituted a Special Investigation Team the next day, and Vijayan handed over her to the SIT. That is what the records say.

But another official record tells a totally different story.

The in-patient register of the Government Hospital for Contagious Diseases, Airanimuttom, Trivandrum, shows

that Inspector Vijayan was admitted on November 14, 1994 at 10.50 a.m. since he had contracted chicken pox and that he was discharged after 10 days. The column bears his signature.

Now, how could Inspector Vijayan, admitted as a chicken pox patient in a hospital at 10.50 a.m. report before the court which commences only at 11 a.m.? Does it mean the chicken pox patient produced the accused before the court himself? If so, what prevented him from submitting before the court, orally or in writing, that the accused be given under the custody of some other police official since he was an in-patient suffering from chicken pox?

Now, a crucial question. Where did Inspector Vijayan keep Mariam Rasheeda from the time she was remanded under his custody till he handed her over to Siby Mathew DIG, the leader of SIT? In the hospital bed by his side?

Was the Police Commissioner totally oblivious of all these?

Interestingly, when the SIT was constituted next day, Inspector Vijayan was a member of it.

What makes Inspector Vijayan an unavoidable character in the whole drama even after he had contracted chicken pox?

Before V. R. Rajivan and S. Vijayan grope for answers, it is time to enter the second layer of the plot hatched the day after Mariam's arrest.

NOTES

1. Confidential Letter No. SB/1053/G1/94-TC dated October 24, 1994 signed by V.R. Rajivan, IPS to the Director General of Police.
2. *Ibid.*
3. Order of the Chief Judicial Magistrate, Ernakulam, in C.C. No. 1464/94 delivered on November 14, 1995.
4. *Savvy*, April '96 issue.
5. Petition to the National Human Rights Commission dated July 19, 1996.
6. Petition to the Kerala State Women's Commission dated July 23, 1997.
7. Petition to the Chief Justice of India dated February 1, 1997.

Chapter 2

The Wrath of an Editor

IT was a warm Tuesday, two days after the arrest of Mariam Rasheeda, around 10.30 a.m. Raman Srivastava IG (South Zone), P.R. Chandran IG (Computer wing), and a couple of DIGs were sitting in the office of Aravind Ranjan, DIG, Administration, in Police Headquarters, Trivandrum, to meet T.V. Madhusoodanan, DGP, for the final round of talks regarding the recommendation of officers for the President's Medal, when the Intelligence DIG told Raman Srivastava about a front page report in *Kerala Kaumudi* linking his name to Mariam Rasheeda and the spy-ring. He then read out the story to the IG and advised him to sue the paper. "Newspapers carry all sorts of stories and if we start denying each and every news item, there won't be any end to it," he replied.

Srivastava recollected what the City Police Commissioner had informed him two days ago, over the phone, about the arrest. "A lady from Maldives by name Mariam Rasheeda has been apprehended since the 15th. The IB, RAW and the Special Branch have questioned her. There are some suspicions. But, there is no evidence to book her under anything except for overstay." The IG, his immediate boss, gave his nod to the Commissioner to proceed on the lines suggested by him after obtaining the concurrence of the DGP.

Now, why such a news item, Srivastava wondered.

It was then that P.R. Chandran said before everybody present that he knew Mariam Rasheeda. "She had met me once or twice regarding some Visa problem of her friend's daughter studying in Bangalore. This Mariam was intro-

duced to me by Sasikumaran, scientist in ISRO, my friend," he told his colleagues.

Maybe, Srivastava thought, the newspaper had mistaken P.R. Chandran for him and misinterpreted the humane gesture as hobnobbing with a spy.

The meeting with the DGP lasted less than thirty minutes. The DGP didn't ask Srivastava anything about the newspaper report. But, Srivastava, on his own, told his boss that in the light of the newspaper report he was keeping away from the investigation which he should have supervised. The DGP agreed. The decision was communicated to the Commissioner also. Meanwhile, P. R. Chandran informed the DGP that Mariam had met him once or twice and that he had sorted out the Visa problem of Fauziya's daughter through his batchmate, one Mr. Bhaskar, in Bangalore. The matter ended there.

Next day, *Kerala Kaumudi* whipped Srivastava. Its kicker headline yelled: DGP Sought Explanation from Srivastava. *"The DGP summoned Raman Srivastava IG (South Zone) to his office and sought explanation about his links with the spy from Maldives. The meeting lasted for one hour. The DGP questioned him about the dates on which he had met Mariam Rasheeda and the circumstances under which he developed links with the spy. The DGP is reported to be unhappy with the explanations offered by Srivastava. He is also understood to have asked the IG to come out with a satisfactory explanation about the whole affair."*

In the next few days it was a virtual onslaught on the IG. The paper carried fabricated stories one after the other. That he had close links with more than one spy-ring; that the personal computer of ISRO scientist Sasikumaran had details about the IG's spying activities; that he had slept with Mariam Rasheeda in five-star hotels in Bombay and Madras; that he used his forged passport for his foreign trips; that he was known as 'Brigadier' or 'Coatwallah' in the spy-ring; that he had purchased three thousand acres of land in Thirunelveli in Tamil Nadu and runs prawns business there; that he had benami business dealings at Tanjore; that his business in Tanjore had links with ISI and LTTE; and so on.

The highly explosive reports forced other newspapers also

to come out with their own 'scoops' on Raman Srivastava, for fear of being pushed back in the rat-race. From New Delhi, *The Hindustan Times* chipped in with a report that the IG had share certificates to the tune of Rs 7.5 crore. The sensation created was so powerful that Raman Srivastava emerged the kingpin of the spy-ring.

But, why did *Kerala Kaumudi* implicate Raman Srivastava?

Because Raman Srivastava, IG, is the *bete noire* of M.S. Mani, the Editor.

Because M.S. Mani is an honourable man.

That is a long story at the end of which you see Raman Srivastava and M.S. Mani locking horns.

Kerala Kaumudi, founded in 1911 as a weekly to air the voice of the backward Ezhava community, became a newspaper in 1940 with K. Sukumaran as its sole proprietor. Fifteen years later, K. Sukumaran and wife C.N. Madhavi promoted *Kerala Kaumudi* as a private limited company. K. Sukumaran was the Managing Director till 1973 and remained the Chairman till his death in 1981. Meanwhile, the nation honoured him with Padmabhushan.

M.S. Mani, eldest of his four sons, joined the editorial wing even before he became a graduate and soon rose to be the youngest Editor of a newspaper in India. His brother, M.S. Madhusoodanan, became the Managing Director in 1973, a year which proved to be a watershed in the history of the paper.

On September 13, 1973 *Kerala Kaumudi* carried an investigative story on the illegal felling of trees in Kerala. The story rocked the state government and put Forest Minister K.G. Adiyodi, a protege of K. Karunakaran, in the dock. The government retaliated by ordering an inquiry by High Court Judge V. Balakrishna Eradi.

The backfire cost M.S. Mani his editorship, and he started *Kala Kaumudi* weekly on July 17, 1975 and Madhusoodanan assumed the dual role of Editor and Managing Director of *Kerala Kaumudi*. On April 23, 1985, M.S. Mani resigned from the Board of Directors, airing his protest over the policy of the paper, as under Madhusoodanan the pro-Left paper had become pro-Congress.

Meanwhile, Madhavi Sukumaran, Chairperson, circulated a 33-page note to the shareholders, raising serious allegations against M.S. Madhusoodanan. The son, in turn, made a counter-attack, alleging his mother and brother M. S. Sreenivasan were selling newsprint in the blackmarket with the connivance of their bank, disregarding his repeated warnings.

A series of dramatic events followed.

- Madhavi Sukumaran and her two younger sons, M.S. Sreenivasan and M.S. Ravi, filed a suit against M.S. Mani and M.S. Madhusoodanan for partition of the nine shares owned by the late Padmabhooshan K. Sukumaran.
- August 4, 1986. Geetha, wife of Madhusoodanan, arrives at her office in the Kaumudi Buildings, but is denied the key. She moves the court seeking an injunction to restrain her mother-in-law and M.S. Mani from disturbing her office functions.
- September 27, 1986. The General Body removes M.S. Madhusoodanan from the Board of Directors. Madhusoodanan, in turn, moves the court.
- March 15, 1990. A single Bench of Kerala High Court reinstates M.S. Madhusoodanan as Editor and Managing Director.
- March 22, 1990. Armed with an order from the High Court directing the Police Commissioner of Trivandrum to enforce the order, M.S. Madhusoodanan, escorted by a contingent of Police force under the direct supervision of Raman Srivastava, the then Commissioner of Police, Trivandrum, enters the office premises.

The previous day the Editor had been to the office of Raman Srivastava and pleaded with him to delay the implementation of the court order at least by a week so that he could try for a stay from the Division Bench. Raman Srivastava told him bluntly that "the court orders have to be enforced".

Next day, the police gatecrashed into the premises as the entrance was locked from inside. Raman Srivastava ordered his force to clear a gang of paid goondas positioned inside

to block the implementation of the court order. The police then physically pulled the editor out of his chair when he resisted. In the next minute, M.S. Madhusoodanan sat where M.S. Mani used to sit and threw the latter's nameboard into the gutters.

M.S. Mani stood silent with his head down. But the worst was still to come. He was pushed out of the premises. He stood near a transformer in front of the building for a while when a group collected around him. He then walked towards Pettah police station, near his old office, where he organized a public meeting. A wounded editor declared that he would destroy Raman Srivastava.

Many things happened since that incident. A Division Bench quashed the order of the Single Bench and Madhusoodanan moved the Supreme Court. M.S. Mani became editor of *Kerala Kaumudi* once again. Now it was the turn of Madhusoodanan's nameplate to rot in the hell box.

Four years and six months later *Kerala Kaumudi* implicated the IG in the spy scandal by filing a false and baseless story that Raman Srivastava was a member of the spy-ring. Mani kept the tempo going thanks to a couple of trusted journalists.

Records with the police and jail authorities show that *Kerala Kaumudi* had implicated Raman Srivastava without any evidence.

Mariam Rasheeda was arrested at 4.15 p.m. on October 20, 1994. She was produced before the Magistrate the next morning. Vanchiyoore police station or the women's cell, where she was kept for the night on the 20th, had no records to establish that she was questioned. Whereas, the Police Commissioner's letter to the DGP dated October 24, 1994 makes it clear that Mariam was questioned by IB, RAW and the Kerala Police on two occasions before her arrest. The letter, written two days after *Kerala Kaumudi* had implicated Srivastava in the case, had no mention of Raman Srivastava. This is very important.

Case diaries of the Kerala Police, reports of IB and the Closure Report of CBI tell in one voice that Mariam Rasheeda "didn't say anything incriminating during the first week of her interrogation." Her interrogation began only on Novem-

ber 3, 1994, for she was under judicial custody from October 21 to November 3. The most incriminating fact in the forced 'confession' of Mariam Rasheeda is her 'identification' of Raman Srivastava as a member of the spy-ring.

The case diaries of the investigation reveal that Mariam named Raman Srivastava after November 8. When the CBI concluded that she was tortured to say that, the IB and the Kerala Police held that she said that on her own. Mariam Rasheeda said in her interview to *Savvy* magazine that she was tortured to name Raman Srivastava after a few days of her interrogation. On November 9, Inspector Vijayan had met Raman Srivastava at his house and informed the IG that Mariam had named him.

All these point to one conclusion. Mariam Rasheeda named Raman Srivastava, (read, was tortured to say so) only after she was remanded to police custody on November 3, 1994.

Then, from where did *Kerala Kaumudi* get the explosive information about Raman Srivastava's involvement in the spy-ring as early as October 21, so that the paper could flash the news the next day? Did any of its journalists meet her either at Vanchiyoore police station or the women cell on October 20 night to get the disclosure the IB or RAW couldn't bring out from her? Did any of its journalists meet her in the jail on October 21? The jail records say, no. Did any of its dare devil scribes sneak into her cell and get the real RDX from her?

Apart from fixing Raman Srivastava the editor thought he could settle scores with K. Karunakaran, the then Chief Minister of Kerala. The editor's animosity towards K. Karunakaran dated back to the dark days of the Emergency when Karunakaran was the Home Minister and also the *de facto* Chief Minister. The all-powerful Karunakaran decided to silence the paper taking his inspiration from Mrs Gandhi. He used the police force and raided the newspaper office ostensibly to seize the manuscript of the report which had put his protege in the dock. It was the uncompromising and recalcitrant attitude of K. Karunakaran which forced M.S. Mani to bow out of the Editor's chair. The wily Karunakaran then plotted the takeover of the paper. He masterminded

two strikes in *Kerala Kaumudi* and the press came to a grinding halt for 22 days spread over two equal spells.

K. Sukumaran was still at the helm of affairs then but, the veteran businessman found the situation rather difficult to tackle with his worn-out tools. He asked his sons to go to any devil to save the family business. Through some of the young breed Congress leaders M.S. Madhusoodanan managed an appointment with Sanjay Gandhi. The *de facto* Prime Minister lifted his phone in the presence of Madhusoodanan and asked the *de facto* Chief Minister to take his hands off *Kerala Kaumudi*.

That saved the paper. That also made *Kerala Kaumudi* Karunakaran's diehard enemy.

By implicating Raman Srivastava in the spy-ring *Kerala Kaumudi* also sought to paint K. Karunakaran as a traitor. For, Srivastava, often described as the shadow of K. Karunakaran, was his blue-eyed boy.

Yes. The proverbial two birds in one shot.

Chapter 3

Plot Espionage

SITTING in his Delhi office, M.K. Dhar, Joint Director, Intelligence Bureau, India's answer to CIA and KGB, at least in cruelty if not in quality, was ploughing his brain hard for an excuse to seek extension in service. A couple of 'bold' attempts made earlier had either failed or backfired. And, Dhar was in trouble.

It was around this time Dhar took serious notice of the ISRO espionage case. His fellow intelligence men in Trivandrum had alerted him about a sensational espionage case which the Kerala Police had stumbled over, but was now well under their control.

But, it was his bureaucrat-friend in the Department of Space who gave Dhar the confidence to crack down on the spy-ring. The IAS officer had an axe to grind. He had been looking for an opportunity to fix ISRO scientist D. Sasikumaran.

Sasikumaran had insulted him very badly at a meeting chaired by Dr. A.E. Muthunayagam hardly ten days before the media had linked Sasikumaran's name to Mariam Rasheeda and labelled him a spy.

A fifteen-member committee constituted to shortlist two companies from a list of six—L&T, Godrej, MTAR, WIL, KELTEC and HAL—had been dragging its feet for months since the members couldn't take a collective decision. There was a strong lobby in the committee favouring Ravindra Reddy of MTAR, who, incidentally, is one of the Directors of Antrix Corporation, which is owned by the Government of India and administratively controlled by the Department of

Space for marketing space products and services including consultancy services. Sasikumaran felt the dual role of Ravindra Reddy as a Director and contractor difficult to chew and had put on record his objections against MTAR, causing great embarrassment to many committee members. The bureaucrat felt Sasikumaran was unnecessarily complicating the issue. Meanwhile, ISRO Chairman had expressed his displeasure over the committee's failure to come to an agreed view.

That was the backdrop when the bureaucrat criticised Sasikumaran at a crucial meeting held in the first week of October '94, which unfortunately turned out to be a platform for the bureaucrat and the technocrat to cross swords. "You don't know anything about technology", Sasikumaran shot back. The bureaucrat lost his cool and retorted, "You may be a great technocrat. But the problem is that you don't have the quality to take decisions. That is why the projects get delayed." Sasikumaran was in no mood to spare his critic. "You bureaucrat, you don't know the nut and bolt of rocketry. Don't try to dictate terms to a technocrat." The IAS top brass felt really insulted.

So, when he got an opportunity to corner Sasikumaran, that too immediately after he had insulted him, the bureaucrat exploited the situation to drive home the point that it is the bureaucrat who always bridles the technocrat. On his part, he did what he could. He airdashed to Trivandrum and held discussions with the IB officials on November 3 and 4. He returned to his office in Bangalore, prepared a note, and with that went to Delhi and met M. K. Dhar who found the meat he had been frantically searching for in that note. The bureaucrat promised Dhar that he would try his best to precipitate the situation. He kept his promise and transferred Sasikumaran from a highly sensitive post in the Cryogenic Unit in Trivandrum to Space Application Centre, Ahmedabad. The transfer gave credence to newspaper reports about a spy-ring operating from the Liquid Propulsion Systems Centre, Vallamala, and that Sasikumaran was a spy.

The bureaucrat did his job with elan. And, Dhar took the plunge. By the time Dhar reached Trivandrum to take con-

trol of the situation, his IB friends in Trivandrum had sensationalised it. The tirade by *Kerala Kaumudi* against Raman Srivastava came as a bonus.

With Dhar taking command, the scenario underwent a sea-change. That was because the moles the CIA had planted in both IB and ISRO had dropped names and cues to Dhar after neatly veiling the fact that their real interest was to see that India missed the bus to the international space oligopoly. Totally oblivious of the hidden agenda, Dhar strongly believed that the sensational case could help him manage extension for a couple of years he badly wanted.

Meanwhile, Inspector Vijayan had illegally handed over Mariam Rasheeda to IB, allowing himself to be reduced to the role of a peon doing sundry jobs for IB. Occasionally he got an opportunity to threaten her, or even torture her.

IB directed the Kerala Police to bring Fauziya Hassan from Bangalore by force, which they obeyed. Under direction from IB, Vanchiyoore police station, Trivandrum, filed before the local court FIR No. 246/94 with Fauziya Hassan as first and Mariam Rasheeda as second accused. The FIR under sections 3 and 4 of the Indian Official Secrets Act, 1923, read with section 34 of IPC thus formed the genesis of the espionage case. It is this FIR which later shattered the very foundation of the espionage theory, factually and legally.

II

Factually, the FIR is incongruent with the confidential letter Police Commissioner V.R. Rajivan had sent to DGP four days after the arrest of Mariam Rasheeda. On Fauziya Hassan, the letter reads, "Our inquiries have not revealed anything against Smt. Fauziya Hassan and there was no overstay in her case. Confidential inquiries made by this unit have not brought out any facts indicating any espionage activities on the part of this foreigner. Under the above circumstances, she had not been detained and she had left for Bangalore."¹

The letter makes it clear that the police, IB or RAW had absolutely no doubts about Fauziya when they allowed her to return to Bangalore on October 19. She was brought from

Bangalore on November 11, 1994, though her arrest was recorded two days later, which means Fauziya was in Bangalore for 22 days after she was set free by the Kerala Police and before she was arrested.

Will any spy anywhere in the world ever choose to be a sitting duck? Nobody would have prevented Fauziya had she chosen to leave for Maldives with her daughter immediately after Marian was arrested. Or her masters, if any, would have made her escape safe. The fact that she didn't leave India even after the news about the espionage had appeared in newspapers shatters her portrayal as the prime accused in the ISRO spy case.

Legally, the Kerala Police made an ass of themselves by invoking the Indian Official Secrets Act, 1923. They were applying the highly sensitive and equally infructuous Act, perhaps, for the first time, and didn't understand that the State police had absolutely no jurisdiction under the Act even to file a complaint.² One wonders whether any of the officials of Kerala Police had even seen the Act. For, everywhere in the police records, the Act is mentioned as IOS Act, 1920, whereas the Act was passed only in 1923. Needless to say the Kerala Police officials were totally ignorant of the provisions of the Act.

The genesis of a case under the Indian Official Secrets Act, 1923 is a complaint under section 200 of CrPC by the Central government to the competent magistrate who can take cognizance of an offence under the Act.

This is a restrictive clause under section 13(3) of the IOS Act. Section 4(2) of the CrPC provides that the procedures laid down in a Special Act would prevail upon the CrPC. And the IOS Act is a Special Act.

The Act stipulates that the Central government and the Central government alone should evaluate the entire gamut of things before filing a formal complaint with the competent magistrate who can take cognizance of an offence under the Act.

The reason is very simple. Only the Central government can judge whether the prosecution of a spy doing espionage for a foreign country would benefit India or cost heavily at the diplomatic level. It is a clause that empowers the Cen-

tral government even to deport a spy without launching a complaint against him. It is the area of international diplomacy, which an ordinary police officer would never understand.

Just put two American or British citizens in the place of the Maldivian women and watch how those countries would have reacted even if the Western women were genuine spies.

Why did the Kerala Police then file the FIR? The answer is they were made to do so by the IB.

The wisemen of IB were fully aware of the illegality. But, their aim was not to initiate prosecution and punish the 'spies'. They knew there were no spies and no espionage. But, they could paint the accused as spies thanks to the sheer unprofessionalism among the cops and scribes in Kerala.

The IB punctured the morale of Indian space scientists. They projected ISRO, a space research centre, as a missile fabricating centre. They spat on the face of Glavkosmos, the Russian space agency, which would have helped India acquire cryogenic technology even after America had sabotaged the agreement between Russia and India for the transfer of cryogenic technology. That was the crux of the whole issue. The transfer of cryogenic engine technology to India which America didn't like. For obvious reasons.

The technology transfer was aimed at taking India to the space club as a nation capable of launching satellites at the geosynchronous orbit, 36,000 km away from earth. And it was the third major step in Indian rocketry programme since India bought the solid propellant technology from Sud Aviation in 1967 and liquid technology ten years later, from Ariane, both in France. The cryogenic technology is going to stay as the in-thing in rocketry, at least for the next 25 years.

So, India started negotiating with USA and France for buying the cryogenic technology. That was in the middle of 1990. While the American company General Dynamics, quoted Rs 950 crore for the technology transfer, the French company, Aerospatiale quoted Rs 650 crore. India was in two minds, wondering whether to buy the technology from France for a lower price or opt for the Americans, thus her-

aiding a new trade friendship with the United States. But, before the final round of negotiations was to begin, Glavkosmos from Russia entered the scene with a throw-away price of Rs 235 crore for a package of cryogenic stages and technology, causing great embarrassment to both America and France. Glavkosmos was not undercutting. Being novices in the international trade, they were just not fully aware of the big margin of profit in the space market. Also, Glavkosmos, like any other organisation in Russia, was badly in need of money following the collapse of the Soviet Union and the introduction of Yeltsin's new economic policy.

The bilateral trade treaty between ISRO and Glavkosmos was signed in January 1992. The Rs 235-crore deal envisaged supply of three cryogenic stages, to be fitted as the third stage of Geosynchronous Satellite Launch Vehicle (GSLV), plus the technology. Accordingly, the first, second and third launches of the GSLV were scheduled in three consecutive years from 1996.

Had the agreement not been wrecked by the American government, which was not a party to the trade treaty, India could have mastered the technology by the end of 1998 to have its own in-house engine to launch the in-house satellite into the geostationary orbit.

More than a technological feat that would have been a real commercial feat. The space commercial prospect in 1997 was \$77 billion. In 2000 A.D. it is expected to touch 125 billion and by 2010, cross the 300-billion Dollar mark. The projection also tells about a major shift in the space infrastructure revenue, with nearly 50 per cent of it falling under ground equipment and operations. This is basically a communication sector focussing on mobiles and fixed telecom and television.

Which means, you have to be in the 36,000 km-high orbit to get a share of the market. The success of PSLV which injects a satellite at 817 km above the earth is peanuts compared to GSLV as one thinks of the commercial potential of rocketry.

The space market today is controlled by five countries—America, France, Russia, China and Japan—which are

capable of sending satellites to the Geo Synchronous Orbit (GSO) using cryogenic engine. USA has three commercial vehicles that take satellites to the GSO. Titan IV, Delta and Atlas. France has one, Ariane 4. Russia, China and Japan have one each, Proton, Long March 3 and H2, respectively.

India's proposed vehicle is GSLV. A typical cost-per-kg of payload offered by the vehicles gives an idea of the difference in prices.

For Titan IV it is \$ 43,000; Delta, \$ 31,000; Atlas, \$ 35,000, Ariane-4, \$28,000; Proton, \$22,000, H2, \$33,000; Long March 3, \$ 20,000 and GSLV (proposed) below \$18,000. The difference is overt. And, crucial. It is this difference which would have helped India clinch many deals in the space market causing injury to the American and French commercial interest.

After signing the historic treaty with Russia, India was all poised to have its counter opened, with the Department of Space drafting the master plan to transform ISRO into a commercial outfit taking orders from other countries to launch their satellites at a height of 36,000 km.

But, that didn't happen. The American Government ambushed the deal. They armtwisted Russia. Because by that time the history of the world had undergone a sea-change. As the world map had to be redrawn, boundaries crossed and criss-crossed, vanished and revived. The mighty Soviet Union was reduced to an ash-heap when Gorbachev breathed in more oxygen into the tailor-made psyche of the comrades and George Bush, from the other side, set fire to it through his Man Friday, Boris Yeltsin, after the Swedish Academy had crucified the Glasnost messiah on a Nobel Peace Prize, from where neither he nor his country got resurrected. The bipolar power equation became unipolar with the American Presidency transforming the world into a police state.

Russia lost Russia in Russia.

The US forced Russia to cancel the transfer of technology after successfully airing a lie that the agreement violated the Missile Technology Control Regime (MTCR). The agreement, when it was signed, did not violate the MTCR. The rule of MTCR, as on the date of signing the Rs 235 crore

contract, had exempted orbit correction engines from the banned technologies. But, in 1993 Washington had the Regime modified and blacklisted the ISRO-Glavkosmos contract. That was a two-pronged trade war. To stop Russia from hard selling high-tech know-how and to prevent India from emerging as a new member of the GSO oligopoly.

Russia didn't protest, only because they could not have. Being one of the signatories of MTCR, they were bound to abide by any amendments. Again, the Russian political leadership had become so subservient to American commercial interests that they didn't feel the armstwisting very much. The US had already forced Russia to sign a pact with other members of the space club that Russia would not quote less than 90 per cent of what others quote in the international market. Something unheard of in an oligopoly! But with Yeltsin at the helm of affairs, American interest was always protected.

India didn't protest, though it could have. India is not a signatory to the MTCR. Nobody in India made a hue and cry—politicians, scientists or media. No lobbying was done to reverse the lie that India's acquiring cryogenic technology was linked to its missile programme. The scientific community who knew the truth preferred to be silent. The politicians, oblivious of the world around them, were confined to their fiefdom. The media, which ought to have brought the truth to the people, were happy airing lies which came in handy. An international trade treaty was scrapped like a soiled sheet of paper.

A new contract was signed in 1993. Under the revised terms, Russia would give four cryogenic stages to compensate for its refusal to transfer the technology. India could now fix them as the third stage in GSLV and launch four launchers, one after the other. Then, wind up the GSLV project. It was like you buy a Mercedes and drive it. You would never have the technology to manufacture one. The technology transfer was a closed chapter. An Indian counter in the space market had to down its shutters before it was opened.

III

Technology includes basic conceptual design, fabrication drawings, assembly drawings, assembly procedure, test details during assembly, acceptance criteria, non-conformances during fabrication, spare parts supply, performance in the test bed (including failure), test result analysis, modifications effected, flight data, flight failures, metallurgical details of the alloys, fabrication process, on-the-job training and participation in the critical reviews.

Beginning with the history of the rocket to the final stage of evolving the *know why* from the *know how*, the transfer of a rocket technology is simply very complex. The ISRO scientists spent nearly 135 man-years in France before the technology of Viking engine using liquid propulsion system was transferred to India under a legal contract. It then took 17 years for thousands of engineers to develop Vikas engine employing the Viking technology and use it successfully in PSLV.

Fabrication and assembly drawings are just one part of the whole process of technology transfer. They are like the one-rupee denomination in a hundred rupee note. Without that one rupee you cannot have the hundred-rupee note. With the one rupee alone, you cannot even dream of a hundred rupee note.

The first cryo stage, as per the revised agreement, was to reach India in 1996. But, it is yet to reach. It was only on December 17, 1996, full 26 months after the spy scandal broke out, that ISRO tested a subscale cryo engine for ten seconds. A subscale is not even a prototype. It is only a micro miniature, a prelude to the subsequent development of the prototype, and then the engine as such.

Still, the wisemen of IB could make the accused 'confess' that S. Nambi Narayanan and Co., dealing in spying technologies, had supplied to Pakistan the cryogenic missile technology for a hefty sum. That too through drawings! That too through two semi-literate women!

The ISRO leadership didn't show the guts to nail the lies down. They allowed the technically absurd spy theory to snowball. A statement by ISRO Chairman or Space Com-

mission Members could have exposed the lie for what it was then and there. But then they were afraid whether they too would be branded spies. For, D.C. Pathak, Director, IB, himself had talked to ISRO Chairman, K. Kasturirangan, that incriminating documents had been seized from the scientists and that the defence secrets were now with the IB. The Director was relying on the confidential reports from IB's Trivandrum office. The Director had also sent a report to the Prime Minister, airing the same view. The ISRO chairman was in a fix. The technocrat started disbelieving the scientifically absurd espionage theory. The message slowly trickled down.

IB attempted the same trick with the Defence Research Development Organisation. But, DRDO Chief Dr. A.P.J. Abdul Kalam snubbed it and issued a statement that nothing had been leaked out of DRDO. He also gave an interview to *India Today* in which he said, "If people steal designs hoping to build rockets they are only cheating themselves."

Cryogenic missile technology is a technical absurdity. No country in the world has a missile using cryo engine for the simple reason that you need at least 48 hours for filling the cryogenic fuel—Liquid Hydrogen and Liquid Oxygen—with a specific impulse in the range of 430 seconds. No sensible military management would recommend a war weapon that needs a gestation period of 48 hours before the signal for launch and the actual execution of it in the thick of a war. Missiles mostly have solid propellants which can be assembled and kept ready, in the launching pad. You can fire it in five minutes flat.

Again, there is nothing like a missile technology. It is the same rocket technology. You fix either a satellite or war-head—it can be nuclear also—inside the nose cone of the rocket. The rocket just carries your payload.

The technically absurd terminology was aired by the IB with a purpose. To divert attention from the commercial angle. In the process, the IB has also labelled ISRO as a defence research centre. The label America and Pakistan have been trying hard all these years to paste on ISRO now stands engraved on it. Hats off to IB!

Having drafted the plot, as desired by the American space

lobby, the IB cast the dramatis personae.

S. Nambi Narayanan, Project Director, Cryogenic Systems, D. Sasikumaran, Dy. Project Director, (Fabrication), Aleksey V. Vasin, Expert, Glavkosmos, in-charge of Cryogenic Technology, and K. Chandrasekhar, Liaison man of Glavkosmos. All connected to the Cryogenic programme. They tried their best to implicate Dr. A.E. Muthunayagam, Director LPSC and Prof. U.R. Rao, former Chairman, ISRO, through Nambi Narayanan. But, he didn't fall in line even after he was tortured brutally. Mariam Rasheeda and Fauziya Hassan were cast even before the plot was set. Raman Srivastava had to be cast because *Kerala Kaumudi* had already labelled him as the kingpin so that his exclusion would have raised many eyebrows. And S. K. Sharma was a miscast.

IV

Way back in 1992, Glavkosmos had smelt that America would force Russia to breach the ISRO-Glavkosmos contract. That was when the US State Secretary sent a letter to Yeltsin expressing America's displeasure over the treaty. The letter sent through the diplomatic bag reached the Indian Ambassador in Moscow, and from there to the ISRO Headquarters.

To circumvent the American pressure, an idea was mooted to fabricate cryogenic engines for India in Kerala Hitech Industries Limited (KELTEC), specialising in hi-tech fabrication works. Fabricating cryogenic engine in KELTEC needs transfer of technology to KELTEC. This transfer will not attract the provision of MTCR since it is a job work given to a manufacturing company. From KELTEC if the technology reaches ISRO nobody can blame Glavkosmos. A neat deceit.

There was a specific reason why KELTEC, a novice, and not L&T, Godrej or Machine Tools Aid and Reconditioning (MTAR) was handpicked for the tie-up. There was an understanding that after retirement as Chairman of ISRO, Prof. U.R. Rao would take the mantle of KELTEC, which he did. The tie-up was his brainchild. Because Glavkosmos wanted to sell the technology to make a profit.

At the same time, there was a strong lobby in ISRO favouring MTAR, thanks to the time-tested healthy relationship between ISRO and MTAR. In the absence of KELTEC, MTAR would have been the most favoured one.

All these things were updated to the American space marketing lobby because it had planted moles in ISRO. So more characters were cast. Accordingly, the IB officials questioned V. Sudhakar, Managing Director, KELTEC, and R. Ravindra Reddy of MTAR. They very much wanted to implicate Prof. U.R. Rao. They didn't succeed because Nambi Narayanan didn't succumb to their pressure. Again, by that time the CBI had entered the scene.

The Glavkosmos-KELTEC tie-up was developing on these lines when the spy scandal broke out. On March 4, 1992, a year before Washington succeeded in amending MTCR and blacklisting ISRO-Glavkosmos contract, Aleksey V. Vasin, Expert from Glavkosmos, had an official meeting with a team from KELTEC at the latter's office. Minutes of the meeting signed by Aleksey and V. Sudhakar reads:

"Mr Aleksey indicated that KELTEC's facility can be utilised in realization of systems connected with Cryo Project for which they have signed an agreement with ISRO. Mr Aleksey disclosed that his team of experts will make a visit to KELTEC in May 1992 for further development of business relationship with KELTEC."

A telex message from V. Sudhakar to ISRO Chairman Prof. U.R. Rao dated March 9, 1992 reads:

"Mr Aleksey V. Vasin's visit to KELTEC was followed by visit of M/s M. Sirachev (chief designer) and V. Mitansov (chief of production) on March 6. They expressed their satisfaction of facilities available/planned at KELTEC for the manufacture of cryo system for GSLV. According to them, more than 95 per cent of the facilities are available at KELTEC. They were also highly impressed of our equipments and set-up. This is for your information, Please."

In January 1993 V. Sudhakar sent a letter to Alexander I. Dunaev, Chairman, Glavkosmos, 9, Krasnoproletarskya UL, 10 30 30, Moscow inviting his team to KELTEC. The Managing Director also proposed a note to Dunaev about the proposal for a joint venture with equity participation and

mobilization of balance financing necessary through public issues.

The proposal, if implemented, would have made KELTEC a public limited company with "Board-level participation for Glavkosmos and a full time directorship."

The joint venture contemplated was a Rs 1,000-million project. Finance was to be raised through Government of Kerala Equity Rs. 130 million, minimum suggested Glavkosmos Equity 130 and present loans, 250. Balance Rs. 490 million was to be raised from capital markets.

The same day, V. Sudhakar sent a letter to Aleksey V. Vasin asking him "how soon we can start our joint venture for the manufacture of cryo engine at KELTEC". The letter also reads that KELTEC "has already started manufacturing activities with orders from ISRO for various systems of launch and orders from Defence organizations for the aero engines."

On 29 March, 1993 the Managing Director sent another letter to Vasin requesting him to send urgently his proposal to Prof. U.R. Rao with a copy marked to Dr. A.E. Muthunayagam, Director, LPSC, since "Dr. Muthunayagam has indicated to Mr. Chandrasekhar (Representative of Glavkosmos) that he would be happy to entrust the entire work of cryo fabrication to KELTEC provided Glavkosmos and its associates bring all required equipment as part of their investment."

In his reply to V. Sudhakar, Aleksey V. Vasin says, "Referring to the matter of Glavkosmos-KELTEC joint venture I inform you that the possibility to deliver machines and equipment is under consideration of Russian government. It will take three months more. I expect to discuss the future trends of our business during my stay in India."

The final round of discussion was held at Trivandrum in the second week of November 1994. A high-power delegation led by Glavkosmos Chairman A. I. Dunaev agreed to invest money in the venture from their Escrow Account in India.

It was after this meeting the team reached Bangalore from where it flew to Delhi on November 18 and from there to Moscow. It was on the same November 18 that the IB tried

its best to arrest K. Chandrasekhar at the airport in front of the Glavkosmos Chairman. The motives stand exposed.

V

The wise men of IB then went for the unkindest cut of all. They implicated Aleksey V. Vasin in the ISRO espionage case. Even questioned him.

This time the technical absurdity they aired was that Nambi Narayanan had struck a deal with Vasin to sell the drawings of Vikas engine, which in turn would reach Pakistan.

The absurdity lies in the fact that Vikas engine is the in-house system developed from Viking engine developed by France and transferred to India in 1977. Russia has its own liquid propulsion system and Vasin, if he desires, can spy the drawings of Russian liquid technology. Why should he work as a middleman between two enemy countries?

Curiously, the IB, which never bothered to check the veracity of its espionage theory at any stage, took up the matter with the Russian government. The Economics Crimes Department of the Federal Counter Intelligence Service questioned Vasin about the 'deal' which made A.I. Dunaev remark: "Those who are initiating such enquiries did not obviously have any technical expertise, let alone any idea of the rich legacy of Indo-Russian space cooperation."

Dunaev is wrong. The master brains for whom the officials of IB were working have full knowledge of the cooperation. They just didn't want it to grow further. It was for this reason that IB implicated Url Aviation.

Even when Russia received the first letter from America expressing the country's displeasure over the ISRO-Glavkosmos contract, the writings were on the wall. Glavkosmos informed ISRO that they were ready to advance the supply of raw materials and spare parts. At the same time they didn't want to take the risk of effecting a door delivery fearing backlash from America. They were ready to deliver the materials at Glavkosmos. Air India was not ready to carry the cargo without proper customs clearance. And, proper customs clearance was unthinkable without the

American lobby coming to know of it. So ISRO entered into an agreement with Url Aviation for carrying the boxes from Glavkosmos to Trivandrum airport. Url was ready to take the risk for a little extra money. For, in the Moscow airport anything is possible for American dollars. Accordingly, the Url Aviation, took three different routes on three different occasions to take the raw materials and spare parts for the cryogenic engine. The first flight of Url 224, landed at Trivandrum on January 23, 1994 from Karachi and left two days later. The second flight, Url 9001, landed on March 11, 1994 and left on March 13, 1994. The third, Url 3791 landed on July 17, 1994 from Sharjah and left three days later.

The fourth didn't come. Before that the spy scandal had rocked the world. And the IB implicated Url Aviation based on extorted statements from D. Sasikumaran that drawings and computer charts of Vikas engine were sent to Aleksey V. Vasin by Nambi Narayanan using Raman Srivastava who used to deliver the secrets to Url aviation.

VI

The IB never tried to prove its spy-ring theory. They didn't want to. For instance, D. Sasikumaran was arrested from Ahmedabad on November 21, 1994. But his house was searched only ten days later. S. Nambi Narayanan was arrested on November 30. But his house was not searched at all until the CBI took control of the investigation.

The business of IB was over once the stories were leaked to newspapers, either by themselves or through Kerala police. With even the *Time* magazine featuring the bunch of lies the purpose was more than done.

What more, the IB didn't have to take the responsibility for fabricating a case and torturing the space scientists. They can always deny that they didn't do any damn thing.

Because the IB is a civilian body. It cannot arrest anybody. Cannot investigate a case. Cannot question even an ordinary person, leave alone interrogating and torturing an accused under the police custody. It is all illegal.

But they did all that. Tortured the accused under police

custody, extorted statements from them, videographed the forced 'confessions' and in the process violated all laws of the land.

Still they may go scot-free. They have fooled the Kerala Police to that extent. Once they allowed the Special Investigation Team to enter the IB interrogation report as their own in their case diaries the buck has neatly been passed on to the cops.

VII

Still something remained incomplete. They couldn't interrogate Raman Srivastava. No matter the SIT was fully convinced that they had been misled by the reports of *Kerala Kaumudi* and that the so-called 'Brigadier Srivastava' who had met the Maldivian women at the Army Club, Bangalore, was none other than Sqn. Ldr. K.L. Bhasin. G. Babu Raj, Dy. SP, had been to Bangalore specifically for the identification of K. L. Bhasin. He identified the man and collected his photos. They were shown to Fauziya Hassan on November 26, 1994 and she immediately identified him as the man who was with them at the army club.

But Mathew John of IB asked the Dy. SP not to enter the crucial piece of evidence against their theory in his case diary.

On their part, the IB sent a report to its Director on December 1, 1994 stating that Raman Srivastava "had in fact, emerged as the most important member of the inner group of spy-ring."

(It was based on this report that 13 days later a Division Bench of Kerala High Court observed that Raman Srivastava has links with the spy-ring.)

The IB could ride piggyback on the Kerala police and get the arrests of all others executed. Sometimes by reason. Sometimes by coercion. So when G. Babu Raj raised some doubts before the arrest of Nambi Narayanan, the IB threatened to arrest him first. The Dy. SP was then sent to the Telephones Department with a list of phones to be tapped.

But when Siby Mathew, DIG, refused to carry out the orders of IB to book Srivastava, Mathew John sent his

emissaries to the Trivandrum bureau of *Indian Express* and leaked to the paper the IB's latest report to its Director. The newspaper promptly front-paged its exclusive titled "Net closing in on top police official".

The report appeared on December 2, 1994. That was the day on which the case was transferred to the CBI causing great embarrassment to the IB. But in between something dramatic had happened.

On December 1 Mathew John, Joint Director, and Sree Kumar, Dy. Director, IB, made an unscheduled visit to the office of T.V. Madhusoodanan, DGP. Present in his room were Siby Mathew and Babu Raj. On the previous day, Siby Mathew had sent a confidential letter to the DG requesting him to hand over the case to the CBI.³ Mathew John repeated his demand that Srivastava should be arrested immediately. But, Siby Mathew reiterated his stand that he could not arrest an IG without any evidence. When Mathew John picked up a quarrel with Siby Mathew, the DGP intervened: "Enough is enough. Nobody will be arrested without evidence so long as I am here." That was the full stop. The IB Joint Director thundered: "There is no evidence against him. And you won't get that also. Still you have to arrest him. Or else we know how to book him under the National Security Act." Mathew John and Sree Kumar stormed out of the DG's room. In the process, they tumbled down two chairs which they didn't bother to put back in their position.

The wise men of IB then, through their Delhi office, moved the Union Home Ministry to invoke NSA against Srivastava. The officer in Delhi asked for evidence to book a senior IG. The wise men of IB gave the evidence in black and white. Statements of the accused typed out in black letters on white paper! The officer, however, sought more time.

The same evening. A busy day for Chief Minister K. Karunakaran. Yet he made it convenient for Mathew John and Sreekumar to talk to him at length about the espionage case. They wanted him to direct the DGP to arrest Raman Srivastava immediately. He gave them a patient listening. He didn't say 'Yes'. He didn't say 'No'.

On December 2, 1994 K. Karunakaran had a slight head-

ache. He wanted to get rid of that. He picked up the phone and talked to Margaret Alva, Union Minister for Personnel. The pain subsided. The ISRO espionage case was transferred to the CBI.

That came as a bolt from the blue for the IB. They never wanted the CBI to probe the case. They were cock-sure their cock and bull story would explode in hours. In fact, they had thwarted the move to transfer the case to CBI on an earlier occasion. That was in the second week of November. Following *Kerala Kaumudi's* investigative pieces on Raman Srivastava, the DGP was about to recommend the transfer when Mathew John and Sreekumar prevented him. The DGP then talked to IB Director D.C. Pathak over the phone. For reasons best known to Pathak, he advised the DGP to constitute a special investigation team of the Kerala police instead of transferring the case to the CBI.

Why did the Director of IB mislead the DGP? After all, only the CBI can take the investigation to foreign countries. Why did he advise the DGP to take the wrong path when the state government has absolutely no jurisdiction in a case registered under sections 3, 4 and 5 of the IOS Act?

Sounds intriguing?

That some top brass of the IB conspired with the American space marketing lobby to fabricate an espionage story and sabotage India's potential share in the space market may sound too tall. But then, you have to project it against the backdrop of the Rattan Sehgal episode. Sehgal, with 28 years of experience in the IB, was to become its Director following Arun Bhagat's retirement when the Central government sacked him as Additional Director and put him under house arrest since December 1996.

Reason: Rattan Sehgal was having unauthorised meetings with American diplomats. Why such unauthorised meetings? Is he the only black sheep the IB had or has?

A million dollar question.

The picture emerges slowly, but clearly.

NOTES

1. Confidential Letter No. SB/1053/G1/94-TC dated October

24, 1994 signed by V.R. Rajivan, IPS and addressed to the Director General Police.

2. Judgement of the Kerala High Court in O.P. No. 16358 delivered on November 27, 1996.
3. Confidential letter no. 46/CAD/CRH/94 dated November 30, 1994 signed by Sibi Mathew IPS and addressed to the Director General of Police.

PART TWO

The Breakthrough

Chapter 4

The Lie Detector

N AMBI Narayanan woke up. He had no idea of the time and space. He only knew he had slept for years together. He felt he was floating. The pain was not there. He put his legs on the floor. They didn't ache. He touched his toes. They had stopped bleeding. There were a few faces around him. All blurred. He could not identify anyone. Then he heard someone asking him about his first meeting with a woman called Mariam Rasheeda.

In no time he sensed the space and pulsed the time. It is the same Hindustan Latex Guest House. He knew the character he had to play. That of a spy. He knew the blurred faces. The wise men.

He felt he should kill them one by one. He felt a tornado whirling inside. He felt his arms had become swords and legs as powerful as that of a leviathan. He stood up. He cried for blood. He roamed around in the room with his swords stretched out. He hit against a man. He was about to plunge his swords into his belly. He then changed his decision. He wanted to chop his head. He wanted to see blood coming out from his chopped off neck like a fountain. So he looked at the man's face. Mr. F. The tornado settled. The swords became arms. "I believe and trust you. I don't want to kill you", he said to Mr. F.

In the next moment he fell asleep like a log of wood.

The log became a plant the next morning. Agile and sharp. He looked at the calendar. December 4.

Mr. C was all smiles. "We have understood your version that rocketry cannot be spied through documents. But, have

you understood our version?"

"Yes", said he.

"Can you tell it, please. I mean, our version. We just want to know whether you have understood our version the way we have understood yours."

Nambi Narayanan became alert. There was a kind of pleading in Mr. C's voice. Could this be a trap?

Suddenly he noticed a blue telephone on the teapoy in front of him. Why this phone in front of me, he wondered. Also he felt the teapoy was an odd place for the telephone. Especially when the room has a table. Again, who would keep a phone in the interrogation room?

In a flash he got the clue. Bugging. The interrogators want their version in his voice. He smiled inside. Cleared his throat.

"I was approached by one Habibullah for spying documents to Pakistan. That was in 1982."

Nambi Narayanan took a pause and looked at the IB men. He saw their face blooming. He continued.

"1982. . . Is that not the year you have told me?"

Nambi Naryanari took another pause and looked at the IB men. The bloom had vanished.

Suddenly someone dashed in. "Let's get ready. We have to move."

"Please give us another fifteen minutes," Mr. A was pleading.

"Sorry, they have already called thrice. If we don't move now, you will have to face the consequence. You know how these guys can react."

"O.K. Let's go," said Mr. C. "Nambi, please remember that you should tell more or less in line with our version to those who are now going to question you. Otherwise, we won't be able to help you."

Nambi Narayanan didn't answer. He was wondering who the new interrogators could be. Any other hell is better than this hell. Any other devil is better than Mr. A, he tried to console himself.

Then he heard something being thrown down. He turned back. Mr. A was shivering with fury. The blue telephone was not the teapoy. Broken pieces of the blue phone had

formed a new pattern on the mosaic floor. Nambi focussed his eyes on the floor to catch the bugging equipment. But, before he could track it, someone had pulled him out of the room.

Before Nambi Narayanan got into the jeep Mr. D came and took his hands. "Good Luck." Nambi looked around. He was searching for someone whom he didn't know. . . .

But for the roar of the engine there was absolute silence as the jeep entered the CRPF camp, Pallipuram. . . Soon the silence drowned the roar too. Silence broke the silence. And, Nambi became scary. The jeep stopped in front of a two storied building painted yellow. Where did he read yellow is the colour of Lord Brahma's daughter? The blind girl with yellow hair. The Goddess of death.

As he ascended the steps his hands were cuffed. Bondage within bondage.

He was escorted into a room where a man introduced himself as R.S. Dhankar, Dy. SP, CBI. "I am the Chief Investigating Officer of the ISRO espionage case," he said, and showed his identity card.

Quite contrary to the IB interrogators who never revealed their identity.

Nambi Narayanan was then taken to another room furnished with a cot. His room. Darshan Singh, a constable, was posted near him. Sitting on the cot, he took his first lunch since December 2.

Around 2.30 p.m. a tall, slim, fair man in his late 40s with blue eyes and chiselled nose came to his room. Immediately, the man in his late 40s turned back, as if he had some second thoughts, and walked briskly into the adjacent room, trailing behind him the sound of his footsteps which proclaimed authority.

"You bastard, you have sold the nation to enemies. How do you call yourself an Indian? Forget that you are a scientist."

Nambi Narayanan then heard the voice of Sasikumaran from the other room. He couldn't understand what his colleague and co-accused was telling. But he heard the voice again.

"You bastard, you are talking law? If I am convinced that

you have done the crime, you will spend the rest of your life in jail."

The shouting continued. Nambi Narayanan felt at ease. Somehow he was confident that he could convince this interrogator who was shouting at Sasikumaran.

For the nth time he asked that question to himself. Why did Sasi implicate me?

6.30 p.m.

Nambi Narayanan was taken to a nearby room. A big room with a large table and bundles of paper on it. In the centre sat the interrogator with blue eyes and chiselled nose. Close to him was a lean, fair man with thick moustache. The interrogator introduced himself. M.L. Sharma, IG. The other man was P.M. Nair, DIG.

"Somehow I felt that you would tell the truth. That is why I kept your interrogation last. Now, Dr. Nambi Narayanan, tell us, what exactly had happened?" M.L. Sharma began interrogation on a cordial, but to the point note.

"Sir, I am not a Ph.D. holder. I wanted to do my research in NASA. They had even offered me the facilities. But Dr. Sarabhai wanted me to return to India."

Nambi Narayanan divided his presentation into three parts. Just like he presents his project reports. The first part about his family and family background. The second about his career and career background. The third on rocketry and the transfer of technology.

He also said that he had been planning to quit ISRO for a long time.

"But why?" M.L. Sharma interrupted.

"First", Nambi said, "Dr. A.E. Muthunauagam, Senior to Dr. K. Kasturirangan, was to become the Chairman, ISRO. He had given me the impression that he would resign if he was not made the chairman. In either case my promotion as Director, LPSC, would have been natural. But he didn't become the chairman. He didn't resign too. Careerwise I felt I had reached a dead end.

"Secondly, my financial condition is not good. It never was. One more increment may bring Rs. 300 or so more. A couple of my close friends were planning to quit ISRO for similar reasons and start a fruit farm in Thirunelveli. Esti-

mated investment was Rs. 5 lakh. Each one of us was to share equally. I wanted to resign for good."

The clock ticked one.

The presentation continued in good flow.

Nambi couldn't believe that he could talk so long.

"Take rest. You need wake up only when you feel like. We shall question you afterwards", M.L. Sharma rose from his seat and walked briskly to his room, leaving behind the sound of his footsteps.

Next day it was another Sharma. P.C. Sharma. "I had been to your house. We searched it. Why, Mr. Nambi Narayanan, you don't have a fridge?", he began.

"I had one. I sold it sometime back."

"You could have bought a new one."

"I didn't feel the need. Also I had other priorities."

"Like what?", P.C. Sharma prodded.

"My sister's daughter's marriage. . ."

"Why should you spend?"

He explained how his elder sister depended on him for many things. P.C. Sharma asked a couple of questions more. Then it was the turn of one Ashok Kumar. Then another. And another. Until around 3 p.m., when Pallipuram camp sprung into action. Everybody seemed busy. CBI Director K. Vijaya Rama Rao was coming.

Nambi Narayanan was taken to another room where he met Rama Rao. The Director was sitting majestically flanked by his deputies.

Vijaya Rama Rao interrogated Nambi Narayanan for more than two hours. Same questions. Same answers.

"O.K." Rao asked, "But, do you think Sasikumaran had sold something?"

His very name made Nambi Narayanan sick. But he didn't hesitate to say, No. "It is just not possible to do any espionage in this area. It took 17 years for ISRO to launch PSLV after we bought the technology of Viking from France." Then Nambi Narayanan went one step ahead. "Even if someone is able to get some drawings no idiot would buy that for a price. If such an idiot exists we can also sell our sand as gold to him."

The sleuth looked straight into the eyes of the scientist

for a few seconds. Then he leaned forward. He took both hands of Nambi Narayanan in his hands. And said, "We are fairly clear that no espionage has taken place. We may take some more time to complete the formalities. I am sorry for what has happened to you. I feel ashamed. It is a sin. But, please try to take it easy. . . ."

That was the climax. Or anti-climax.

Nambi Narayanan shivered from inside. He couldn't control his feelings. He cried. Aloud. To his heart's content.

The first cry since he was arrested. There was absolute silence in the room but for the shrill cry that was ripping the room. After two or three minutes he felt a pat on his shoulders. Rao said. "Cool down. Justice will be done to you."

The scientist returned to his room. Nobody escorted him. His handcuffs were removed. He fell on his bed. He fell asleep.

The next stage of interrogation began at Malligal and lasted for ten days. It was here on the night of 17 December that all the accused were paraded one by one to identify Raman Srivastava. It was here M.L. Sharma and his deputies got the shocking fact that none of the accused had seen Srivastava before. It was here that Mariam Rasheeda said that Inspector Vijayan had shown her the photographs of Raman Srivastava, both in uniform and mufti, for 'identifying' him as Brigadier Srivastava. It was here the super cops like D.R. Karthikeyan, who later became the Director of CBI, and Arun Bhagat, who later became the Director of IB, interrogated the accused and realized with a rude shock that the ISRO espionage was a baseless one fabricated by the IB and Kerala Police.

It was here, Nambi Narayanan, like every other accused, had his encounter with the polygraph machine.

Dr. Lehari, in his early 60s was from the Central Forensic Laboratory. A man who believed machines, unlike men, would never lie. So he was quite surprised when Nambi Narayanan told him that he would like to test the machine.

"Why not," the old man suddenly turned very friendly. "But how are you going to test my purer than God machine?" he asked.

"Give me a sheet of paper and a pen," Nambi said. He cut

the paper into six pieces of equal size. On the four pieces he wrote one name each. That of his wife, son, grand-daughter and father. On the remaining two pieces he wrote the same name, Geetha, his daughter. He kept one from the two with him and gave the rest five pieces to Dr. Lehari.

His body was then wired and connected to the machine. The machine measured his blood pressure, heart beat, pulse etc. Index finger and fourth finger in both hands were wired with polished plates. The capacitance between the plate and the finger will change even if there is an unnoticed sweating.

"The paper you hold has the name of your wife written on it", Dr. Lehari began the test.

"No," Nambi answered.

Dr. Lehari asked the same question, changing the names only, to Nambi. And he repeated 'No' to all the five questions of Dr. Lehari. Which means, he told four truths and one lie. Nambi asked Dr. Lehari to tell him to which of his questions he had lied and what was the name on the paper in his hand.

"Geetha", Dr. Lehari replied. "He showed Nambi the graph corresponding to each of his questions. The one corresponding to the lie had greater amplitude.

The scientist in the accused was quite amazed. He tested the machine once again for the validity. Once again his lie was detected.

And, then the real test began.

Are you Nambi Narayanan?

Yes.

Are you working in ISRO?

Yes.

Have you met Mariam Rasheeda before?

No.

Have you received money from Fauziya?

No.

Do you know Sasikumaran?

Yes.

Do you know he is a spy?

No.

Do you know Raman Srivastava?

No.

Do you know he is an IG?

Yes.

Have you ever stolen anything from your home?

Yes.

Have you stolen anything from your office?

No.

Do you think Sasikumaran has done espionage?

No.

Have you met Zuheira?

No.

Have you been to Madras International?

No.

Have you been to Hotel Fort Manor?

Yes.

The session went on. For six-and-a-half hours. At the end the men and the machine looked tired.

Dr. Lehari was choked with emotion. "We have done a sin", he said repeatedly. He got the signature of S. Nambi Narayanan on all the graphs and countersigned.

"Truth will triumph", he said before Nambi, tired yet relaxed, walked towards his room. As he was walking he remembered the verse he saw on the wall of D.R. Karthikeyan's room.

Pray to God.

He will come.

He will not come quickly.

But be assured that HE WILL COME.

Chapter 5

Brass Tacks

WITHIN eight hours of the Kerala Chief Minister telephoning Margaret Alva, Union Minister for Personnel, the ISRO espionage case stood transferred to the CBI.

The CBI team led by M.L. Sharma, Joint Director and Special Inspector General of Police, took the reins on December 4, 1994, two days after the order.

The Kerala Police handed over the espionage script to the CBI alongwith the statements of IB and Kerala Police.

The story line goes like this.

S. Nambi Narayanan and D. Sasikumaran, senior scientists of ISRO, had passed documents/drawings relating to Vikas engine technology, cryo technology and PSLV flight data to Pakistan. K. Chandrasekhar, S.K. Sharma, Bangalore-based businessmen, and Raman Srivastava, I.G., had passed secret documents from Aeronautical Defence Establishment, Bangalore, to Pakistan. All these documents reached the hands of Mohammed Aslam, a Pakistani nuclear scientist, and Mohammed Pasha in return for cash running into lakhs of American dollars. The spies had a financier, Mohiyuddin, Assistant Manager of Habib Bank, Maldives. Fauziya Hassan, Mariam Rasheeda, Zuheira and Aleksey V. Vasin were the conduits. Important meetings of the spies were held at Madras, Bangalore and Trivandrum.

Something caught the attention of the CBI at the very outset. The statements of the accused as recorded by the Kerala Police were contradicting; those recorded by the IB were contradicting; that of Kerala Police and IB were

contradicting.

In spite of the multi-plan contradictions, the CBI presumed the disclosures were true and began the investigation after taking the records of IB and Kerala Police as the basic raw materials.

But a rapid-fire interrogation of the accused by M.L. Sharma revealed one thing. All the statements were made on the suggested lines under duress.

The spy-ring theory of the IB-Kerala Police combine didn't gel against the fact that neither ISRO nor ADE, Bangalore, had filed any complaint that they had lost any secret documents.

Interpol, Colombo, was pressed into service to dish out evidence against Zuheira, the Maldivian settled down in Sri Lanka. The Ministry of Defence and National Security, Maldives, did a thorough investigation about the two Maldivian women. On its part, the CBI left no stone unturned. The top brass, including the Director, interrogated the accused. Modern techniques in crime investigation, including polygraph test, were done on the accused.

On April 30, 1996 R. S. Dhankar, Dy. SP, CBI, submitted Closure Report to the CJM, Ernakulam, under section 173 (2) Cr.PC to refer the case as false and baseless. The 104-page report spread over 115 paragraphs nailed down the spy-ring theory. It didn't probe who fabricated the spy scandal. Maybe the super cops didn't want to expose their half-brother, IB, naked, bare down to the bone.

It is interesting to juxtapose the IB-Kerala police theory and the CBI findings. It is like seating lie and truth face to face.

THE LIE

K. Chandrasekhar, S.K. Sharma, D. Sasikumaran and Raman Srivastava met Fauziya Hassan and Zuheira at Hotel International, Madras, and handed over the flight data of PSLV in exchange for one lakh American dollars which Mohiyuddin of Habib Bank, Maldives, had given to Fauziya on January 19, 1994. Chandrasekhar, Sasikumaran and Raman Srivastava had a separate round of discussion about

the prospects of setting up a factory of bulletproof vests, using carbon technology developed by Sasikumaran.

The meetings were held on January 24, 1994 at Hotel International, Madras.

THE TRUTH

No person by name Mohiyuddin has worked in Habib Bank in the past five years or so.

Zuheira had not visited India since June 1993. As per the records of LPSC, Vallamala, D. Sasikumaran Dy. Director, Cryogenic Unit, had come to the office on 24 January 1994, but had not utilised his office vehicle. Further investigation revealed that he had gone to Quilon for the funeral of his daughter's mother-in-law. Authorities of Upasana Hospital, Quilon, have confirmed the death. Any number of witnesses testified the presence of Sasikumaran with his wife at the funeral.

As per his tour note and log book of car No: KL 02-A/9100 Raman Srivastava IG (South Zone) was in Trivandrum in connection with the Republic Day parade. V.R. Rajivan, City Police Commissioner, and Maj. S. Suresh Kumar, commander of the Republic Day parade, confirmed the presence of Srivastava in Trivandrum on January 24. As per wireless log book, Raman Srivastava had established contact with his subordinates over wireless during January 22-24. Srivastava's foster father Dr. R.C. Srivastava had a head injury on January 22 and was admitted to Cosmopolitan Hospital, Trivandrum. Dr. Srivastava died on February 7. Hospital authorities confirmed the visit of Raman Srivastava daily to the hospital.

S. Nambi Narayanan, Project Director, Cryogenic Unit, didn't attend office on January 23. One of his colleagues, Manikantan, died that day and Nambi Narayanan, along with many employees of ISRO, was at Manikantan's house. More than 300 persons, including ISRO staff, vouch for his presence at the funeral that evening. The next day he attended office. A couple of purchase orders signed on that day testify to his presence in the office. On 25th he celebrated the first birthday of his grand daughter. Nearly 100 persons, relatives and office friends, attended the function.

The records of Hotel International, Madras, show no bookings of any room in the name of any of the accused. Asst. Front Office manager and Bell Captain of the Hotel on duty on January 24 couldn't identify photographs of any of the 'spies'.

THE LIE

On June 25, 1994, S.K. Sharma, as instructed by K. Chandrasekhar, took Mariam Rasheeda and Fauziya Hassan to Rajinder Singh Institute, Bangalore, better known as Army Club, where they were introduced to Raman Srivastava, IG. He was introduced to them as Brigadier Srivastava. Fauziya Hassan handed over to him \$ 25,000. Mariam Rasheeda had brought the cash. It actually came through Fauziya's daughter Nasuha from the same Mohiyuddin of Habib Bank, Maldives.

THE TRUTH

On June 21 morning S.K. Sharma got a phone call from his friend K. Chandrasekhar. Sharma and his business partner Ramasrey went to Chandrasekhar's house where they were introduced to Mariam Rasheeda and Fauziya Hassan. Chandrasekhar wanted Sharma's help for the admission of Fauziya's daughter, Zila Hamdi in Baldwin Girl's High School through his friend Thomas. In the evening when Sharma was getting ready to go to the school, where he had asked the Maldivians to wait for him, Squadron Leader K.L. Bhasin, his father-in-law's friend, and wife came to his house. Bhasin accompanied Sharma to the school. After the admission issue was settled, Sharma drove the Maldivians back to Cooks Town. On the way, they went to the Army Club because Fauziya wanted to go to the toilet. Bhasin offered the Maldivians soft drinks. Sharma and Bhasin took some beverages. Records of the Club confirm the visit.

Wireless records of Kerala Police show the presence of Raman Srivastava in Trivandrum from June 23 to 26. He had contacted Dy. Commissioner of Police, Trivandrum, three times on 23; contacted S.I. Cantonment once and Dy. Commissioner four times on 24; talked to V.R. Rajivan, Police Commissioner, five times on June 24 and once on 26.

Again, had the IG gone out of station during this period, the Police Commissioner said, he would have known that. The car log book of Raman Srivastava also testifies to Srivastava's presence in Trivandrum at that time.

THE LIE

On September 23, 1994, D. Sasikumaran, S. Nambi Narayanan, K. Chandrasekhar and S.K. Sharma met Mohammed Aslam, Abdul Haleel and Zuheira in Room No. 108, Hotel Lucia, Trivandrum. Nambi Narayanan had with him four bundles of complete drawings of PSLV. The deal was struck for nine lakhs US dollars. Pakistan was the buyer. Raman Srivastava took the bag containing the cash out.

THE TRUTH

No person by name Zuheira had stayed in Hotel Lucia between September 20-25, 1994. One G.S. Naikwadi, Foreman, Air India, was staying in Room No. 108 from 23 to 30 September.

Nambi Narayanan and Sasikumaran had attended office at 9 a.m. on September 23. Both went to LPSC in the morning in the company of ISRO scientists P. Mohana Prasad, Dr. K. Ramamurthy and V. Gnana Gandhi, by office car No: KBU-6863. After 5 p.m. they returned in the same car along with the same scientists.

S.K. Sharma's presence at ECA Club, Bangalore, on 22 and 23 had been confirmed by witnesses.

THE LIE

Nambi Narayanan and some other scientists of ISRO, in collusion with R. Ravindra Reddy, Managing partner of Machine Tools Aid and Reconditioning (MTAR), Hyderabad, had sold the cryogenic technology. Ravindra Reddy is a close relative of Bhaskar Reddy, former Chief Minister of Andhra Pradesh. P.V. Prabhakar Rao, son of P.V. Narasimha Rao, the then Prime Minister, was his partner.

THE TRUTH

Ravindra Reddy had received the contract for fabricating the Vikas engine, not the cryogenic engine, in 1984. He knew

Nambi Narayanan and many other scientists of the ISRO. But the contract was awarded to him after a number of discussions with the Contract Negotiation Committee, comprising Director, LPSC, Additional Secretary, Department of Space, and other senior officials. He knew Bhaskar Reddy, but he didn't have any business tie-up with P.V. Prabhakar Rao.

And India is yet to acquire the cryogenic engine technology.

THE LIE

ISRO has lost volumes of confidential and secret documents.

THE TRUTH

M.L. Sharma, Joint Director, CBI, wrote a letter to the Chairman, ISRO, on December 12, 1994, requesting him to appoint a committee for conducting an audit of documents/drawings and let the CBI know the outcome.

The Director, LPSC constituted a committee for verification of documents in cryo and non-cryo areas. The committee submitted two reports.

The first report found that four out of the 5,767 recorded documents in the cryo area were missing. In the non-cryo area also, 529 out of 33, 436 documents could not be traced.

The second report, submitted 44 days later, said that the four missing documents in the cryo area were later retraced. So, there is absolutely nothing missing in the cryo area.

In the non-cryo area, after checking and re-checking, 275 out of the 529 documents recorded lost in the first report were retraced. That was less than one per cent of the documents ISRO had. The missing documents are random in nature and do not pertain to a particular system or sub-system.

The committee then made the significant observation.

"As our development is based on in-house drawings and as all the in-house drawings are available, the committee do not see any impact of some small numbers of drawings missing, on our programme."

ISRO doesn't have a system of making documents as top

secret, secret, confidential or classified. Since it is a research organisation, any scientist wanting to study any document is free to go to the Documentation Cell.

All the 16,800 sheets of drawings issued to the Fabrication Division, where Sasikumaran was working, were found intact after he was transferred to Ahmedabad.

II

The CBI report has many clues to the nefarious motives of the IB-Kerala Police combine. For instance, Nambi Narayanan got medically checked up while in custody by Dr. V. Sukumaran of Srikrishna hospital, Trivandrum, in the Hindustan Latex Guest House on December 4, 1994. He was brought to the guest house by Inspector Vijayan in a blue Maruti. The doctor found both his legs swollen with multiple haemorrhage rashes. The doctor had also prescribed medicine for him. Similarly, K. Chandrasekhar had to be rushed to the hospital on November 28, 1994, where two sets of ECG were taken.

The case diaries of Kerala Police did not record either of these. Siby Mathew, DIG, who was the leader of the Special Investigation Team, pleaded ignorance of the treatment meted out to the accused remanded under his custody.

Sub-Inspector Ammini Kutty Amma, who was on security duty to guard Mariam Rasheeda, stated that Mariam was not allowed to sleep during interrogation which continued round the clock for about a week when she was kept standing.¹

The CJM gave custody of Mariam Rasheeda to Inspector Vijayan on November 3, 1994. But Vijayan in his case diaries recorded that IB officials asked him to go out of the room and, therefore, he had to keep out of the picture.

G. Babu Raj, Dy. SP, and member of SIT, stated that he examined in Bangalore Sqn. Ldr. (Rtd.) K.L. Bhasin who had taken Mariam Rasheeda and Fauziya Hassan to the Army Club. He also collected photographs of Bhasin. This was shown to Fauziya on November 26. She promptly identified the photograph as that of the man who had accompanied them to the Army Club. But Babu Raj didn't record this

information in his case diary. Siby Mathew, DIG, had no answer as to why the identification of the photograph of K.L. Bhasin conducted by Babu Raj was not entered in the case diaries.

IB officers, when confronted, denied having employed any third degree treatment. Strangely, they didn't remember before whom the accused had made the statements. Some of the officers, when shown the interrogation report of the four accused obtained from its Trivandrum office, said that they were not sure whether the reports did, in fact, originate from the Trivandrum office.

Curiously, a Division Bench of the Kerala High Court held on January 13, 1995 thus: "The reports of the IB, which had its own investigating machinery, in unmistakable terms, found the involvement of Raman Srivastava in the case."² Was the Division Bench referring to some fictitious reports?

NOTES

1. The Supreme Court of India has held that "the questioning, by exercise of power conferred by section 8 of the IOS Act, 1923 must be during the day time and in no case after sunset and before sunrise." *Mrs. Susheela Misra v. Delhi Administration* (1984) 1 SCC 202 at p. 203; 1984 Crimes 142.
2. Judgement of the Kerala High Court in W.A. No. 1676/94—C (in O.P. No. 17367 of 1994—P) *Niyamavedi v. CBI*, delivered on January 13, 1995.

PART THREE

The Fallout

Chapter 6

1 + 1 = 3

APRIL 1, 1998.
In the Supreme Court of India a Division Bench is in session. Justice M.K. Mukherjee and Justice Syed Shah Mohammad Quadri are hearing the final argument in a cluster of Special Leave Petitions filed by the six accused in the so-called ISRO espionage case challenging the Kerala High Court's decision not to declare the State government notification for further investigation invalid. Nearly fifteen months after the SLPs were admitted, the apex court is completing the argument.

Shanti Bhushan, former Union Minister for Law and Justice, is appearing for the state government. Counsel for the accused have completed their argument:

The state government is making a last ditch effort to save its face and salvage the members of the Special Investigation Team from the possibility of being prosecuted for having fabricated a spy scandal. The counsel for State government hopefully wished that the attitude of the Supreme Court would undergo a sea change once the court views the video cassettes of the confessions of the accused made by IB.

So the counsel pleaded:

"Honourable Judges may be pleased to view the video cassettes containing the confessions of the accused to get more clarity regarding the case."

"Who made the video cassettes?", the Bench asked.

"The IB", the counsel replied.

"Under what provision of law does the IB get the authority to make video cassettes of interrogation?", the Bench

wanted to know.

The former Union Minister for Law didn't answer. He looked at M.K. Damodaran, Advocate-General, Government of Kerala, who came to his rescue. "The IB only helped in making the video, and it was actually the Kerala police who made them."

The Advocate-General was telling something incongruent with the court records. The proof is the judgement of the Kerala High Court passed on January 13, 1995, wherein the court put on record that the video cassettes were made by the IB. Again, the affidavit filed by the State DGP before the Supreme Court in the case in hand also said that the video cassettes were made by the IB.

"Why should we view the video cassettes which are not admissible under the law?" the Bench asked.

But a Division Bench of the Kerala High Court thought differently.

It summoned privileged documents from the CBI even before the investigation was complete. It reviewed the video cassettes produced by the IB which are not admissible under the law. It ridiculed and grilled the CBI for arriving at a conclusion, which was incongruent with the illegal reports of the IB.

The High Court opined the CBI was biased even as the court was expressing its prejudice against the CBI in an overt manner. It directed the CBI to act in a more efficient and vigilant manner without any pre-conceived notions after patting the IB on its back for its illegal acts.

The judicial trespassing was done on January 13, 1995.

But a quick glance back.

Once the CBI assumed charge of the investigation, the avalanche of media reports on the supposedly confidential interrogation stopped. Abruptly.

Quite contrary to the media expectation, the CBI didn't arrest Raman Srivastava though *Indian Express*, quoting IB reports, had flashed the arrest as a forgone conclusion. A week later, a legal forum in Kochi moved a PIL before Kerala High Court, seeking the arrest of Raman Srivastava and his removal from service invoking Article 311 of the Constitution of India. The court dismissed the PIL. An appeal was

moved and the case posted to December 28, 1994, before the Bench of Justice K. Sreedharan and B.N. Patnaik.

"Which officer is investigating the case?", the Bench asked.

"R.S. Dhankar, Dy. SP, CBI," counsel for the CBI answered.

"Have you received any information regarding the role of Raman Srivastava in the case?"

"The investigation is progressing. Six persons have so far been arrested. They have been questioned in detail. Legal steps will be initiated against the accused."

"Six or Sixteen. That is none of our concern. What we want is definite information whether Srivastava has any role in it? Have you received any documentary evidence from the CBI? What is your difficulty in divulging the details?"

"Investigation is progressing."

"Has the CBI questioned Srivastava?", the Bench prodded.

"Yes".

The court then directed the Director, CBI to produce all records relating to the questioning of Raman Srivastava IG. The case was posted to January 3, 1995.

COURT NO. VII

The ISRO case was posted number two in the list.

"I am not making any comments on the record", the court began its proceedings. "But the records show the investigation has backtracked since December 12. What went wrong?"

The CBI counsel kept silent.

Justice K. Sreedharan then opened the cover and read the affidavit filed by Surinder Pal, Dy. SP, CBI submitting that Srivastava has no role in the ISRO espionage case. He then remarked, "we have verified the entire records produced by the CBI. The records have facts which can link Srivastava to the case. We won't let it go like this. How did the CBI conclude that Srivastava has no role?", the Bench posed.

"The state police had tortured the accused to implicate Srivastava in the case," the counsel said.

A visibly annoyed Justice K. Sreedharan raised his voice, "It is a serious allegation against the Kerala Police if you charge them with trying to implicate a top rung police

officer. Did the CBI conduct any investigation to find out the veracity of the allegation? Isn't it absolutely necessary that such officers who tried to implicate an IG in a case be sent out from the force?"

The CBI counsel kept silent.

"Who is the chief of the CBI, the so-called famous investigating agency?", the court asked.

"K. Vijaya Rama Rao," came the reply.

"Has he seen the records? Studied them? He has to file a detailed affidavit. How much time do you need?"

"Fifteen days."

"Fifteen days! It is a disgrace to your officers. We can give time till Monday", the court concluded.

That was on a Wednesday.

The CBI Director filed in his affidavit before the deadline. It stated, "a serious doubt has arisen with regard to all the essential facts on the basis of which initial suspicion against him was created. The oral and documentary evidence collected during the investigation conducted by the CBI so far is found to be inconsistent with the allegations contained in the interrogation reports of the accused persons. . . . It may also be mentioned that Raman Srivastava was not identified by any concerned person."

January 9, 1995.

This time it was K.T.S. Tulsi, Additional Solicitor General, Government of India, appearing for the CBI. He directly attacked the writ on the locus standi of the petitioner.

Court: PIL would stand in cases on environment and human rights. Why can't this be considered a PIL?

Tulsi: In a criminal case even the court can interfere only after the final report is submitted before it. The right to investigate rests with the police, and police only. Investigation in this case is progressing. And Srivastava is not an accused.

Court: While perusing the records we felt there is prima facie evidence linking Srivastava to the case.

Tulsi: We don't depend on the statements of the accused. Our investigation is independent. Our aim is to convince the court that the investigation is moving in the right track.

On January 13, the Bench passed its orders, upholding

the decision of the single bench. "No court can direct the investigating agency to implicate one as an accused and arrest him."

But, then the Kerala High Court trespassed.

"The report of the Intelligence Bureau," the court observed, "which has its own investigating machinery, in unmistakable terms found the involvement of Raman Srivastava in the case."

The observation proved to be more explosive than RDX. Raman Srivastava was suspended. K. Karunakaran lost his Chief Ministership. The credibility of CBI was ripped brutally.

Why did the Division Bench trip? How could two senior Judges of the High Court put on record a glaring flaw that the IB has an investigating machinery? Could it be possible the two Judges were unaware of the fact that IB is an organization with absolutely no right to investigate?

Also, why didn't the Division Bench pull up the IB for doing an illegal act of interrogating the accused under police custody and producing video cassettes of the forced 'confessions'?

Why did the Division Bench view the video cassettes produced by the IB which is the result of an illegal act? Was the Bench ignorant of the fact that videographing the interrogation of a non-convicted arrested person is blatant violation of the Identification of the Prisoners Act, 1920?

Is any court in India empowered to deny an Indian citizen his rights under Articles 14 and 21 of the Constitution? What is his remedy if a court decides to wreck his life without any reason? Who is liable for the wrongs committed by the judiciary?

Definitely the State.

The State is liable for the wrong committed by the judicial wing of the State, though the Judges are not personally liable because of the provisions of the Judicial Officer's Protection Act.¹

The State here is not the government, but the State of India consisting of the Executive, Legislature and Judiciary as defined under Article 12 of the Constitution of India.

"It is true the Judges don't have an easy job. It is true

they repeatedly do what the rest of us seek to avoid; make decisions."²

It is equally true the innocent always suffers when the Judges err. The victim can escape punishment, *de jure*, by getting the wrong decision of the learned judge annulled through an appeal, provided he has money and the mental strength to fight prolonged legal battles.

But what about the punishment, *de facto*? For instance, how is the system going to compensate for the injury done to Raman Srivastava and his family by the observations of the Division Bench?

How is it going to compensate for the loss K. Karunakaran had to suffer when the observations triggered a political coup in Kerala?

Again, how is it going to compensate for the erosion of trust ordinary people would like to have in the judiciary?

It is interesting to know how the judgement has affected the judges who delivered the wrong judgement.

In no way, it seems.

Justice B.N. Patnaik has retired delivering justice. Justice K. Sreedharan, Promoted and retired as the Chief Justice of Gujarat, figures first in the controversial list of new Supreme Court Judges.

It is high time the country did some rethinking on the immunity the protectors of justice enjoy under the Judicial Officer's Protection Act.

Do they need that immunity when even a former Prime Minister can be tried like any other citizen in a criminal court? Can judicial trespassing be allowed in a civilized society?

The writings are on the wall.

II

And what about judicial excesses? That too by a lower court against a High Court Division Bench ruling? The fallout of the ISRO case witnessed that too. Dismissing four separate petitions of the accused challenging the state government notification for further investigation of the ISRO espionage case, a Division Bench of Kerala High Court held:

"The state government has no jurisdiction to file a complaint before a court in respect of any offence under sections 3, 4 and 5 of the Indian Official Secrets Act in this case."³

The Bench further clarified: "The state in exercise of its powers under the Police Act can direct a police officer to do any further investigation. But, that power, in our opinion, is circumscribed by the provision of the IOS Act."

The circumscribing factor is section 13(3) of the IOS Act, 1923, which reads, "No court shall take cognizance of any offence under this Act unless upon a complaint made by order of, or under authority from, the appropriate government in this behalf."

Sub-section (5) defines the appropriate government as the Central government.

Thus the genesis of a case under the IOS Act is a complaint by the Central government to the competent magistrate. Not a police FIR under section 154 Cr.PC.

But T.P. Sen Kumar, DIG, entrusted with the further investigation job by the state government, conveniently moved the Chief Judicial Magistrate, Trivandrum for a formal order.

The CJM, Trivandrum called for all documents from CJM, Ernakulam and granted permission for further investigation under section 173 (8) Cr. PC.⁴

The Kerala High Court had made it clear in a connected case that even the CJM, Ernakulam was not competent to accept a report under Sec. 173(2) in this case.⁵ If so, how could the CJM, Trivandrum give an order for further investigation under Sec. 173(8). After all, 173(8) stems only from 173(2).

Again, the High Court directed "the state government may approach the competent magistrate having the power of taking cognizance of offences under the IOS Act for permission to make further investigations in the matter". Read this together with the ruling of the same bench that "even under Sec. 173(2) a report is to be filed before the magistrate who is empowered to take cognizance of the offences on police report" and juxtapose this with the ruling that even the CJM, Ernakulam was "not competent to take cognizance of the offences alleged on the basis of the report under Sec. 173(2)"⁶, and see how the CJM, Trivandrum had over-stepped.

III

The High Court Division Bench and the CJM, Trivandrum did what they ought not to have done. The National Human Rights Commission (NHRC) and the Kerala State Women's Commission (KSWC) didn't do what they ought to have done.

On July 3, 1996, a social worker by name Maitreyan sent a petition to the NHRC to "interfere into the continuous acts of human rights violations by the state government and its police force on two scientists" immediately after the Kerala government had ordered further investigation even after the CBI had closed the case as "false and baseless".

The two Maldivians, on their part, filed a joint petition citing the violation of human rights they had to face at the hands of Kerala Police and IB. They requested the Commission to give them an opportunity to be heard.

Strangely, the NHRC asked the Kerala DGP to report back to the Commission even as the petition had made the DGP the fourth respondent. The DGP, on his part, asked T.P. Senkumar, DIG, to prepare the report for the NHRC.

T.P. Senkumar, DIG was the cop handpicked by the Government to investigate the case further to somehow 'prove' that the espionage did take place. Now, the same DIG gets a rare opportunity to investigate for and against the accused! In a different sense, for and against the human right violators! A classic case of practical dialectics. A cruel joke of the Indian executive.

Maitreyan refused to adduce evidence before the double-role-DIG and brought the farce to the notice of the NHRC. But the Commission overlooked the blatant violation of natural justice and decided not to take evidence from the Maldivian women.

On December 11, 1996, Fauziya Hassan was discharged from a defamation case, the lone case pending against her. She was a free bird at that point of time. She could have returned to her country. But the state government invoked NSA within hours of the court discharging her and detained her. The NSA was invoked on Fauziya after two years of her arrest.

Maitreyan alerted the Commission about the black law

being clamped on a foreign woman after the CBI had found her innocent in the espionage case and the court discharged her. But the Commission closed the file, stating that it "cannot examine the validity of the NSA Order" and suggested "it is open to the aggrieved party to challenge the order before the High Court".

NSA is to be invoked for preventive detention. It is meant to prevent a possible offender from doing any crime that would affect the security of the nation. The case against Fauziya was that she spied out secrets from India. How could the same person be an offender and a potential offender at the same time?

If the Commission cannot examine the validity of NSA order, how could the same Commission make a hue and cry when film star Sanjay Dutt was detained under TADA? Maybe, the issue of human rights changes with the status of the persons involved.

Closing the file, the NHRC wrote: "The Maldivian women were involved in an espionage case. The case was investigated by the CBI and on the basis of their report the magistrate ordered their discharge. The said order is now challenged before the High Court and is pending consideration."

The NHRC was telling a lie. Its letter is dated January 15, 1997. As on that day no case connected with the ISRO espionage case was pending before the High Court. The court had dismissed all the cases on November 27, 1996.

Now, from where did the NHRC get this wrong information? Is it not possible for the Commission to get at least correct information regarding the legal status of an issue? Can't they at least scan the newspapers?

Could it be possible that NHRC totally relied on the report filed by the DGP and closed the file without doing its own homework? This appears to be the case, which makes it real violation of human rights.

The Commission advised Mariam Rasheeda and Fauziya Hassan to submit documentary evidence before the High Court if their human rights have been violated. If so, why should there be a National Human Rights Commission at all?

A national shame. A national shame.

IV

When every other door was slammed on her face Mariam Rasheeda moved the Kerala State Women's Commission. Somebody in Viyyur Prison had told her that its Chairperson, a poetess, is humane. But that somebody was oblivious to the fact that the same poetess had once stated "the spies should be shot dead".

However, Mariam moved two separate petitions before the KSWC on July 23, 1997.

The first petition was to initiate prosecution proceedings against Inspector Vijayan who had detained her illegally after she asked the Inspector to get out of her room when the cop tried to molest her. She produced a copy of her acquittal order by the CJM, Ernakulam, in the overstay case, a judicial proof to establish that her detention for 22 days since her arrest on October 20, 1994 was illegal.

The second petition sought the Commission's help to take her on bail since there was nobody to stand as her surety. Her judicial custody since May 2, 1996 after the court had discharged her from the espionage case was for the sole reason that Inspector Vijayan had filed two defamation cases against her for daring to tell the media that she was a victim of his sexual frustration and that she didn't get anybody to stand as surety for bail in a bailable offence, the maximum punishment for which is two years. The petition also said how she was stripped naked by the interrogators while in custody, and how they molested her.

On August 18, four Commission members led by its Chairperson went to Viyyur Prison to take evidence. "We do not feel the Maldivian women should be put in jail inordinately just because they are foreign nationals. They are remaining in jail because they don't have the financial back-up to pay the bail money", a visibly shattered Chairperson told the media after the Commission took evidence from both Mariam Rasheeda and Fauziya Hassan.⁸

A week later, the Commission decided to seek the release of the Maldivian women. The Commission "is only looking at the issue from the human rights angle" and the "priority now is to get the women released."⁹

The Commission then informed the Press that it had sent a report to the Chief Secretary of the State "seeking release of the Maldivian women within thirty days failing which the Commission would move the court."¹⁰

That was the peak. After evading serious issues and making media blitz on trivial ones the KSWC decided to go for the plunge on a highly sensitive matter.

But then the Commission took a U-turn. "The issue would now be taken up before the National Commission for Women", the Chairperson told the Press. No reason was attributed for the volte face. But the reason was very much evident in the press briefing of the Chief Minister after the cabinet meeting. A visibly annoyed E.K. Nayanar thundered that he would not permit "any Commission—Women's Commission or Men's Commission—to meddle with this issue". The Commission didn't react to the snub.

On September 6, the Sessions Court of Trivandrum granted unconditional bail to Mariam Rasheeda in all defamation cases against her.¹¹

But Mariam was apprehensive. She feared she would be booked under NSA by the State government just like they had detained Fauziya Hassan when she was discharged from all other cases. Mariam moved for anticipatory bail. Rejecting her application, the same court ordered, "The Public Prosecutor has submitted that there is no case against the petitioner and that the petitioner's apprehension of arrest is unreal."¹²

Mariam's apprehensions proved right. Within hours of her release, the State government faxed her detention order under NSA to the office of District Collector, Trissur, where she was kept in the Viyyur jail.

The Public Prosecutor fooled the Judiciary. The State Government headed by CPI (M) leader E.K. Nayanar hacked the humane vibes in Marxism. All these happened after the Women's Commission had taken cognizance of the case.

Next day, the Commission aired a new story: "We couldn't interfere because it has now gone beyond the State jurisdiction. We were planning to do something when she was detained under NSA. Now it is beyond our jurisdiction. We have informed the National Women's Commission. We hope

the National Commission would take up the issue."

Lies. Salted lies.

To begin with, the Kerala State Women's Commission succumbed under pressure from the IB. Two senior IB officials visited the Commission on August 23, when it was deliberating the issue,¹³ and warned the Commission of serious consequences. The Commission toned down its letter to the Chief Secretary and sent it through its secretary, a Junior IAS officer, without making any entry in the Commission records. The incorrigible Chief Minister lashed out at the Commission and the Chief Secretary asked Commission's Secretary to take the letter back, even before it was entered in the register.

What a farce!

V

Why did the NHRC and the KSWC abdicate their responsibility so outrageously?

The pointers are towards the IB.

The civilian body wields extra-constitutional powers to nab any Indian citizen, interrogate, torture or silence him. No forum in India, including the judiciary, has so far pointed an accusing finger at it.

The IB can intercept your mail, even after the President of India had declined to give assent to the Indian Postal Bill which authorises the government to intercept mail. The IB can tap anybody's phone, whether you are the DGP of a State or the Director of CBI, even though tapping of phones is declared illegal.

The IB, like CIA, Mossad or KGB, has been doing all that and would continue these activities with impunity. For every modern government, democratic or autocratic, believes that its worst enemy is its own people.

How could a scientist like S. Nambi Narayanan, whose contribution to the nation is more meaningful than the value-added contributions of the IB in all these years put together, be so easily picked up and tortured, until he bled profusely, for no mistake of his?

Nobody made a hue and cry, not even the courts. A Divi-

sion Bench of the Kerala High Court went to the extent of lauding the illegal and criminal acts of the IB.

How could the IB plant a spy story and puncture the Indian space morale to foster American interests? The people in authority at the Central and State level should have bothered about it. But they didn't, because of their short-sighted perceptions born out of political considerations and not the larger concern for the nation's interests.

The NHRC and the KSWC know pretty well that if they want to book anybody for human rights violations connected with the espionage case, it is not Inspector Vijayan, a small fry; not a recalcitrant editor; not the callous Press; not the misguided comrades who rule the state; not the SIT of Kerala police, composed mostly of flat-footed cops; but the IB, stamping its signature on the rogue's gallery.

The leviathan goes scot-free. Always.

The victim either perishes like the numerous Indian youth during the emergency, or bleed like a nationally renowned scientist, or wriggle helplessly like the illiterate Maldivian women. Civilization is yet to pen the story of the hunted animal.

When will 1 + 1 become 3? And not just two?

NOTES

1. Maharaj V. Attorney General of Trinidad and Tobago (1978) quoted in Ega Venkatah V. Government of Andhra Pradesh. 1993 CRI. L.J. 691.
2. Judges, David Pannick, Oxford University Press, 1987, p. 1.
3. Judgement of Kerala High Court in O.P. No. 12747 (and others), 1996, delivered on November 27, 1996.
4. Order of the Chief Judicial Magistrate, Trivandrum in Cri. M.P. No. 10029 in Crime No. 246/94, Vanchiyoore Police Station, delivered on December 13, 1996.
5. Judgement of Kerala High Court in Cri. R.P.: 437/96 delivered on November 27, 1996.
6. Judgement of Kerala High Court in Cri. R.P. No. 437/96 delivered on November 27, 1996.
7. NHRC (Law division) Letter No. 11/27/96—LC dated January 15, 1997.
8. *The Hindu*, August 19, 1997.

9. *The Hindu*, dated August 26, 1997.
10. *Malayala Manorama*, dated August 27, 1997.
11. Order of the Court of Sessions in Crl. M.C. No. 1529/97 delivered on September 6, 1997.
12. Order of the Court of Sessions in Crl. M.C. No. 1538 delivered on September 6, 1997.
13. *Malayala Manorma*, dated August 24, 1997.

PART FOUR

The Victims

Chapter 7

Soliloquy

...03...02...01...

The azure sky appeared like a pilot's dream. The nation was counting its heartbeats. Only fraction of a second was needed for the maiden operational flight to inject in-house satellite into the low earth polar sun synchronous orbit using indigenously developed launcher.

The prelude to go commercial.

The countdown began the previous day, September 28, 1997. The launch was scheduled at 10.20 a.m. At 10.10, the master computer at SHAR, six km away from the launch pad, took the reins, advanced the critical time by three minutes, and finished the countdown.

...00.

Electric current was passed through the squib. It exploded with a very high velocity, igniting the charge zone in the core stage. The splash ignited the solid propellant, a mixture of ammonium perchlorate and HTPB. Four of the six strap-on boosters were also ignited.

A blast. A blaze. A roar.

PSLV-C1, the 240 tonne, 44.43-m tall launch vehicle with four stages carrying IRS-1D satellite penetrated the unseen layers of the spotless sky leaving plumes of white smoke for ordinary eyes. The rest was there on the computer monitor, at SHAR.

The first stage separated after 119 seconds and the Vikas engine, an indigenously developed liquid propulsion system using the Viking technology, ignited. The vehicle cleared the dense atmosphere 40 seconds later. At a height of 128

km, the heat shield separated. At 282 seconds the second stage separated and the third, solid, ignited. At 501, the third too separated. Then the vehicle coasted for 101 seconds before the fourth stage ignited. Some 437 seconds later, the last stage, the liquid, separated. The 1200 kg. remote sensing satellite was then injected into the polar sun synchronous orbit 817 km above the earth, designed to complete one orbit around the planet every 101.35 minutes.

Millions of Indians watched the green blip on their TV monitor gliding smoothly along a red line, the predetermined trajectory, with copy book precision.

A select few had the privilege to watch the whole thing on the computer screen inside the control room. One among the elite class was Inder Kumar Gujral. In his usual style, Gujral caressed his bulganin, a residue of his ambassadorial days in Moscow. The media savvy Prime Minister then reached out from his seat to remove a glass and flower vase to help lensmen click his gleam clean.

Gujral embraced Indian Space Research Organization (ISRO) Chairman K. Kasturirangan, who was in tears. Success makes you ecstatic. And you cry.

Sitting in his office in Anthareeksha Bhavan, ISRO Headquarters, Bangalore, another bearded man was watching the success on his TV monitor. In the morning, he had gone to a temple to pray for the success of the launch. Then it was a couple of disturbing hours at office. Rooms close to his office remain closed. The Chairman and Prof. U.R. Rao, Space Commission member, had gone to SHAR. At that part of the complex, the Director of Advanced Technology and Planning was alone. And forlorn.

He lit a cigarette the moment the fourth stage ignited. That was totally his blood and sweat. His phone rang. A disturbing call. He took a deep puff. And gushed the smoke through his nostrils. It went out through the door, orbited the complex and headed towards the plumes of white smoke still hanging around in the sky. Where had it gone wrong? Why an apogee of 817 and perigee of 300?

A lightning. A thunder. It is going to rain. The lightning gave a flash to the rocket man. The cue to begin with. The rocket had failed to achieve the required incremental veloc-

ity. The reason why it struck a lower perigee.

But why did that happen? Two options, he started the analysis. Some of the stages had under-performed. Or the fourth stage had malfunctioned.

Now, which among the two possibilities had worked against the system? To get a clue he asked for the pressure time graphs of the fourth stage tanks. He scanned the graphs which gave him an input that the gas meant to pressurise the tank had met with a leak for about ten seconds. And, then the leak stopped miraculously.

He got the cause of the leak. But the miraculous stoppage of the leak remained an enigma.

Another lightning. Another thunder. And a new flash. Yes, it could stop, if the leak was through a relief valve. Nothing miraculous about it. Everything was scientific and pre-designed.

The regulator downstream the gas tank had malfunctioned. The relief valve opened automatically to save the system. By the time the regulator started functioning properly the relief valve closed, automatically. However, in the process, the fourth stage lost some gas which ultimately led to the loss of incremental velocity. Hence a lower perigee.

He rose from his seat, took a piece of chalk and drew the flow diagram of the fourth stage on a board fixed to the wall behind his seat.

The puzzle was solved. But he was in the grip of another puzzle. The enigmatic one that had been ravishing his psyche for a long time. The bolt that had reduced him to a shell.

* * * *

He lit another cigarette. Another, and another. He heard footsteps closing in. Smell of Panama cigarette filled the room. But he smokes Wills only. Through the smokescreen he saw an image 5' 11", dark-complexioned man with a flat nose.

Mr. A.

Then he was caught in an avalanche. In that micro second before he slipped back into the orbit of absurdity he

heard the voice of a slap. He felt its pain. His saliva tasted blood.

He is sitting in HIMAM, the guest house of Hindustan Latex Ltd., Trivandrum. Mr. A smokes Panama continuously and quotes the Bible intermittently. Mr. B, a grey-haired black guy with sharp nose, takes notes. He is shorter than Mr. A. Definitely subordinate to the Panama billboard.

Mr. A pays a fantastic tribute to him. He never thought so many adjectives could suffix his name.

And then the first salvo.

"Why did you do this?"

"What?"

"This espionage."

"What espionage?"

"Mr. Nambi Narayanan, oh, I am sorry, Dr. S. Nambi Narayanan, Project Director, Cryogenic System Project; Associate Project Director, GSLV, Deputy Director, Liquid Propulsion Systems Centre. . . . and what else?"

"Many more. But, I don't have that Dr. prefix to my name. You seem to have been misled."

"That's O.K. You are as good as a Doctor. But, tell me why did you do this crime?"

"What crime are you talking about?"

"Bullshit. If you tell on your own it is good for you. Otherwise. . ."

"Still you haven't told what the crime is."

"Bastard, you don't know? Then hear. You have sold the nation's secrets and technology, I mean rocket technology, to Pakistan. We have proof. Now we want to hear it from you. Tell us. Tell us you rascal, what all things have been spied out to Pakistan? How much money have you earned by selling your country to the enemy?"

A team of four persons enters the room. Mr. C, a frail and short guy whose face belies his age, Mr. D, a tall, medium built in his late 40s with a burning mark on his left neck, Mr. E, a thirty-plus young man, fair, medium built and Mr. F, a bald-headed old man in safari suit.

Mr. C introduces Mr. F as a top brass in the central Intelligence Bureau. So these are the wise men of IB, Nambi Narayanan thought. But why should they talk nonsense?

Mr. C, who has a lot of pimple pits on his face, yelled. "Bastard, do you know the charges against you?"

"No."

He pulled a sheet of paper from his red plastic folder and read out the charges. Nambi felt he was listening to a new generation cock and bull story.

"Our boss has to return to Delhi today itself to brief the Prime Minister. You better tell everything", Mr. C read out the epilogue.

"I have nothing to tell except that I can't understand what you are talking about. This must be a misunderstanding. Your story sounds more like fiction."

The new members looked at each other. And left the room in two minutes. Mr. A took the bridle.

"We understand things properly. Tell me when did you meet those bitches?"

"Who?"

"Mariam Rasheeda and Fauziya Hassan."

"Never."

"How dare you say that? They have told us everything. Even about your perversions. Come on, speak out. We shall spare you, if you accept everything. Otherwise. . . We will bring your ass out through your mouth."

"Please believe me. I don't know these women. I have never met them. What do you mean by everything?"

"If you continue to fool us we will bring Fauziya here. She will slap you with her chappals. That photo will appear on all papers tomorrow. Do you want us to do that?"

"I can't help that. But can you get such photographs published? Do you have that rapport with the Press. Now I understand how the newspapers carry interrogation stories everyday."

"That is none of your business". A new voice. Mr. B. So he is not dumb.

"Your subordinate Sasikumaran has confessed everything."

"Has he confessed? What did he say?"

"So you are worried. Fine! He has said that you have sold documents to Pakistan. He has told us that dollars have changed hands. He has told us about your meetings with

spies in Madras, and Bangalore. . . What else?"

"I don't know what Sasi might have told you. But, please believe me, rocketry cannot be transferred through drawings. For instance, we spent nearly 135 man-years in France, under a legal contract, to acquire the Viking technology. I was the team leader. We had really worked with the French. We had firsthand information on all aspects of training such as assembly, fabrication, testing, test results, analysis etc. And then we got the engine and its technology. In spite of all this, it took more than 14 years to fabricate the engine. It was successfully used in PSLV only this October, seventeen years since we acquired the technology. It is just not possible to transfer rocket technology through drawings. Nobody will buy them."

"So, you gave them free." Mr. A changed the track.

"I never said so. I was trying to convince you that you can't spy rocketry through documents."

"Why not? If Pakistan wants to duplicate Viking engine, they can do so with the help of drawings."

"You can do nothing with drawings."

"You mean drawings are useless?"

"I said drawings are not sufficient. Again, why should one go for spying technology when it can be bought for money from the same country? Yes, I mean it. You can buy these technologies for a price."

Mr. A looked at Mr. B. He whispered something into his subordinate's ear. Mr. B shook his head and went towards the window. He opened it. Fresh air gushed in. Mr. A lit another Panama, and asked.

"To whom did you transfer the cryogenic missile technology?"

"Cryogenic missile technology!" Nambi Narayanan couldn't help laughing aloud. "You are totally confused Mr... Sorry, I don't know your name. . . ."

"You need not know," came the reply.

"O.K. Mr. . . No country in the world uses cryogenic technology in missile. You need a minimum 48 hours to fill the propellant. It is too complex. Too expensive. And how can India transfer the cryo engine technology to anybody? We are yet to acquire that. Believe me, Sir, you have been

misled totally."

There was total silence. Except for the occasional chirp of a bird, the bark of a dog, the horn of a passing car.

"Can I meet DIG Siby Mathew?" Nambi broke the silence.

"Why should you meet him. It is enough that you tell us."

"I want to meet him. I think I can convince him. This is cruel."

"You need not try to convince him. He is convinced that you are a traitor, Bastard."

Mr. A squeezed the butt of his Panama under his shoes. He took a new one. He offered one to Nambi. He took from his pant pocket a cute red lighter, lighted Nambi's cigarette before he lit his. Nambi took a puff. He felt relieved.

"Where were you on January 24th?" Mr. A moved closer to him. He rested his right toe on Nambi's chair.

"I don't remember."

"You have to. You cannot forget that date. You are known for your sharp memory."

"Will you please tell me where you were last Friday?", Nambi felt a bit irritated to see Mr. A placing his toe on his seat.

"Don't ask questions. Just give answers."

"Yes, but be reasonable. You are asking where I had been on a particular day some ten months ago. You don't remember a particular day unless that is very important for you. Such as your birthday, marriage anniversary. . . ."

Something suddenly pulled Nambi's memory line back. It stood frozen at a point. A funeral.

"Yes, I remember. On January 23, Manikantan, one of my close friends, died. I had attended the funeral that evening. Next day I went to my office. The vehicle logbook would tell you that. I had signed some purchase files on that day. On 25th I celebrated the first birth anniversary of my granddaughter. I had invited nearly a hundred persons to my home."

The interrogator turned silent. Mr. A pulled his toe back from Nambi's chair. This time he threw the butt out through the window.

A car came close to the guesthouse. The driver applied its brake. Its doors were flung open. Mr. F was escorted into

the car, and the white Ambassador sped away.

"O.K., O.K. Now, when did you first meet Abdul Qadeer Khan?" Mr. A has another cigarette on his lips.

"Who is that?"

"Don't act, Nambi. We know you are a good actor. Dr. Abdul Qadeer Khan is a well-known nuclear scientist. He came, met you and struck a deal for the transfer of rocket technology. That was sometime in 1988. Now, can you remember who Dr. Abdul Khan is? And, tell us the rest."

"I don't know Dr. Abdul Khan. What you have told about me is a lie. But, tell me, what has a nuclear scientist got to do with rocketry? Again, if India plans to do espionage in Pakistan, will we send Prof. U.R. Rao or Dr. Abdul Kalam for the job? You send only an unknown man. Isn't it?"

"You are right. We agree. So who was that unknown spy from Pakistan?"

Nambi smelt a rat. They were framing up a story. They were making course corrections. He found himself helping them fabricate a crime story against him. He decided to keep silent.

"Mr. Nambi", Mr. A said, "if you think you are smart, we are smarter. We have more than 25 years experience in handling spies like you. We pray for our daily bread, whereas you bastards amass so much of wealth and sell the country. Come on, tell us the names. You can't keep mum before an interrogator."

A lightning. It was going to rain. A thunder. Nambi felt another blow on his face. Mr. A was hitting on his face. His saliva tasted blood.

* * * *

It was raining in Bangalore too. Nambi felt hungry. He badly wanted a drink or two. He took his diary and searched for a faded black and white photograph inside. It was there.

Young Nambi is slim. And all smiles. He is opposite Mrs. Indira Gandhi. To her left is Dr. Vikram Sarabhai. "He is my Princetonian", Sarabhai tells Mrs. Gandhi.

That was immediately after the young scientist Nambi Narayanan returned from USA. In 1969, three years after

joining ISRO, Nambi obtained a NASA fellowship. At that time, Indian rocket engineers were working on 75 mm diameter D-1 rockets meant for injecting copper needles into the outer atmosphere for gathering some basic data. Nambi joined for his Masters' Programme in Chemical Rocket Propulsion in Princeton University under Prof. Luggi Crocco, who was involved in the American Liquid Propulsion Programme. There, Nambi became the first Indian to study the liquid system. He passed the two-year course in nine-and-a-half months and got the rare opportunity to visit all the leading aerospace centres in America, thanks to a letter of introduction from Crocco.

Back home, instead of joining the SLV programme, which was using solid propellant, Nambi started developing the liquid propulsion system from scratch. Within two years, he succeeded in injecting the fuel and oxidiser, kept separately, into one chamber. They burnt and expanded through a nozzle heralding the *liquid* days of Indian rocketry.

It was around that time that Dr. Sarabhai introduced him to Mrs. Gandhi as his Princetonian.

* * * *

The Director of Advanced Technology and Planning descended the steps. People who had come to see the exhibition of rocket models were still hanging around. After all, you feel proud when your national pride flies high.

But what about the man who has helped that pride fly high but got crushed under the buckled shoes of a multi-layer conspiracy which ranges from the sexual frustration of a Circle Inspector over a Maldivian woman's refusal to share bed with him to a commercial conspiracy hatched at the international level to puncture the space elan of ISRO and kick India out of the elite circuit of space oligopoly.

The road from Anthareekshabhavan to Bangalore city is not that busy. You can even spot a couple of bullock carts rolling gently along the route to the rocket headquarters. As the official car carrying Nambi Narayanan back to his quarters at Domlur negotiated a curve, Nambi saw a police jeep coming out of Sadasivanager police station. It had a

couple of plainclothes men at the rear escorting a man in handcuff.

The next moment Nambi saw himself in the jeep. It was December 1, 1994. The jeep was coming out of the court of Additional Chief Judicial Magistrate, Trivandrum, after he was remanded to police custody. Vanchiyoore police station, where he slept on a bench the previous night, was very close to the court room. Lensmen were vying with one another to click him. A constable suggested to him to cover his face with a towel. "Why should I", he asked the constable and requested the driver to hold for a moment to make sure that all the photographers had their share of the 'exclusive'.

As the jeep crossed the police station, he saw three familiar faces. Advocate Gopinathan, and his two in-laws. Then he saw Chandru on his scooter, looking all around to locate him. Nambi wanted to wave his hands to Chandru to catch his attention. But he couldn't. He could see everything, but couldn't react. Something had suddenly gone wrong inside him. He tried to call Chandru. But his voice choked inside his throat. . .

"Did you call me sir?", driver Chandran asked Nambi, slowing down the car.

"I didn't Chandran, I was just thinking", Nambi replied. Something which he never wanted anybody to know.

Chapter 8

The Fall

END of a journey. How boring it was! It took 15 hours to travel 315 km, and the Guruvayoor-Trivandrum road is not a safari track. It is National Highway 47, the nation's pride. And he was not on a bullock cart.

The fan belt was the first to go. The clutch then turned unruly. The wiper went into a coma. The back tyre burst out of pressure. The rainy Friday night of that wintry December appeared like a nightmare for Raman Srivastava, Inspector General of Police.

He had gone to Guruvayoor Sreekrishna temple. A practice he has been continuing on the first day of every Malayalam month for more than two decades. The U.P. man knows the Malayalam calendar better than most Malayalees.

That was the second day of *Dhanu*, December 17, 1994. He was dead tired and badly needed a deep and undisturbed sleep.

He asked his wife Anjali not to disturb him, come what may. He directed his camp office not to connect any calls, call who may.

At 8.47 a.m. a call reached the camp office. The IG's personal security had to disobey him. The call was connected to him.

"I am Sharma. Reach Malligai today itself."

"Can I make it tomorrow", a visibly tired Srivastava pleaded, "I am dead tired."

"No. Take the evening flight. I tried to contact your DGP. I couldn't. Please inform him also."

At the other end of the line was M.L. Sharma, Joint Director, CBI. He was speaking from Malligai, the dreaded interrogation centre at Chennai.

Raman Srivastava booked a seat by the evening flight and dialled 4939067, Madras, to confirm Sharma about his coming. He tried to sleep. But how could he?

What is wrong with my stars? He looked at his rings. Four in total. The latest one is to guard him against the wicked smile of a newborn star at the apogee of the cosmos. But neither the supercop who holds the record of becoming the youngest IG in the country nor his astrologer could realize that the Press in Kerala was more powerful than the most powerful shield he could wear.

Srivastava scanned *The Indian Express* to see whether the paper had printed any new lie on him. Two weeks back it had front-paged an 'exclusive' about his links with the spy-ring. The story was planted by the IB. And now with a legal forum in Kochi moving the High Court seeking his arrest, the newspapers were celebrating the highly explosive spy story they had helped to fabricate.

Operation Srivastava began on October 22, 1994 with *Kerala Kaumudi*, a Malayalam newspaper, linking his name to the spy-ring for the sole reason that its Editor M.S. Mani found the opportune moment to take his personal revenge on the IG.

In no time the terror of the Kerala police became the media's whipping boy. The orchestra reached its crescendo with *The Indian Express* filing a front page story—*Net closing in on top police official*—describing Raman Srivastava as a member of the spy-ring, receiving and delivering highly sensitive defence secrets.

On reading the story, his father, a retired IG, advised his son not to take anything more lying down. And Srivastava decided to take the bull by its horn. He typed out his Press statement and approached the DGP for formal permission to go to the Press. The DGP fully agreed with the IG. With his letter Srivastava met the Chief Secretary. He asked the IG to wait till the Chief Minister returned from his tour.

But before the Chief Minister returned, the CBI had landed in Trivandrum and Srivastava found it improper to issue a

statement at that point of time. He informed the Chief Secretary and sent in a formal letter withdrawing his request to go to the Press.

The CBI had questioned him twice before M.L. Sharma summoned Srivastava to Malligai. What new things have emerged? Sitting in the window seat near the belly Raman Srivastava asked the question again and again.

The wing cruised through the mountain-like clouds. Unscathed.

"Tea or coffee."

The airhostess threw a smile. When it faded another emerged. That of Anjali's. Soft. Soothing.

What could she be doing now? Might have returned to the pooja room. Before he left for Malligai she put her arms around him and whispered, almost breaking down, "Whatever happens, you have to come back to us." She feared he would commit suicide out of shame.

The seat valet had a couple of newspapers and magazines. He didn't touch them. Not even the glossy ones. All of them trashes. Of late he had developed a distaste for what they called journalism.

He finished his tea. He had nothing else to do. How long can one watch the wing and clouds? He tried to take a nap. He closed his eyes. But then his memories woke him up.

* * * *

Pallipuram CRPF camp. His first encounter with the CBI team. He went there in his private car KLA 5050 when he was summoned. He reached on the dot at 3.30 p.m.

M.L. Sharma and his deputy P.M. Nair met him at the officers' mess. He had heard of Sharma as a tough guy in charge of the terrorist cell in the CBI for quite a long time. Their questions were not focussed. They had taken up the case only the previous day.

Six days later, it was not the same experience. At the State Bank of Travancore Guest House, Trivandrum, the grilling was in its full swing. This time it was another Sharma, R.C. Sharma, and Ashok, both Superintendents of CBI.

"We are now 28,000 ft. above the sea level", a sweet voice.

He opened his eyes. Clouds and the wing.

He closed his eyes. Memories and memories.

The serious face of R.C. Sharma. The sharp eyes of Ashok. Their razor like questions.

Fauziya Hassan claims he had met him. So do others. The ISRO scientists. The businessman. And she, Mariam Rasheeda.

Raman Srivastava heard her name first when police commissioner V.R. Rajivan, DIG gave a call to him. Rajivan told the IG South Zone, his immediate boss, that she had been overstaying and that the IB, RAW and Special Branch had questioned her because there were some doubts about her. The IG agreed with the DIG's suggestion that she should be booked for overstay. That was around 3 p.m. on October 20.

Two days later *Kerala Kaumudi*, front-paged a story linking his name to that woman, who he read from the paper was a spy. In view of the newspaper allegation, Srivastava told the DGP and Commissioner, "I am distancing myself from the investigation" which he should have rightly supervised.

"I haven't met any one of them", Srivastava's reply didn't seem that convincing to Sharma.

"At Hotel Lucia or at Madras International?"

"I have been to Lucia. The owner is my friend. But not to the Madras Hotel. At Lucia I didn't see any of the accused."

"You saw them at the Army Club in Bangalore?"

"I have never been there."

"Do you occasionally wear a coat?"

"I don't have one. I normally wear safari or shirt and pants. I took warm clothes from my father only during my posting in Shillong."

"What about Nambi Narayanan? You have been to his house any number of times."

"I don't know him. But I can identify him. I have seen his photos in paper. Maybe he can also identify me. My photos too have appeared in newspapers. I am a known face in Trivandrum."

"How come all of them claim to know you?"

"Could be a conspiracy against me."

"Who are the conspirators?"

"I don't know who exactly they are. But I have many enemies."

"Like whom?"

Srivastava smiled. What a long list! "May be", he said, "Mathew John of IB has some grudge against me. Or else why should he threaten the DGP that he would book me under the NSA?"

"The IB threatening your DGP?", Sharma sounded excited. He pushed his chair closer to the table and leaned forward a bit more. And Srivastava narrated the episode.

"Did Fauziya give you nine lakh US dollars?"

"No."

"What about your joint venture with Sasikumaran and Chandrasekhar to set up a factory for bulletproof vests?"

"I have no business. I don't know either of the two."

"How then could you three invest Rs. 4 crore as advance for a deep sea fishing vessel which costs more than Rs. 14 crore?"

"14 crore! My God!"

"What weapons do you possess?"

"In 1981, I bought a .22 rifle from Singapore. I sold that to Trichur Armoury for Rs. 8,000. I had also purchased one pistol from the government and sold that for Rs. 3,000."

"What about your .30 US rifle?"

"My papa got that while he was the IG of Arunachal Pradesh. That was gifted to me. I still keep that. I have a licence for it. Besides, my wife and I hold two 12 bore guns and one .410 bore gun. All are licensed."

* * * *

The plane touched the runway, ran for a while and stopped. Srivastava looked at his watch. 8.05 p.m.

Now, what could be the sudden provocation, he thought. However, M.L. Sharma sounded mild over the phone. P.M. Nair, DIG, CBI, asked his aide to clear Srivastava's bag. He took the IG straight from the tarmac in an Indian Airlines jeep towards the rear from where they got into an official car of the CBI. They drove towards Malligai. P.M. Nair neatly fooled a battalion of lensmen and scribes, who were led by a

DIG of the IB. They were waiting at the arrival lounge to flash that the IG had been taken to Malligai for interrogation.

The white Ambassador entered the fortified and floodlit campus and drove past the machinegun-wielding securitymen before it slowed down and stopped at the portico of a huge, old-fashioned bungalow.

Srivastava was escorted to the front right corner room on the first floor, just above the portico. A 20 x 15 ft. room painted dull and sparsely furnished with a table and a couple of chairs.

"Why Sir, what is the sudden reason?" tension started eating into Srivastava's psyche.

"We are almost heading towards the conclusion. We want to reach the bottom of the story," M.L. Sharma said.

Once again he was asked to give his version of the events beginning with the arrest of Mariam Rasheeda.

"Do you know any of the accused personally?" Sharma asked, cutting short his version.

"I don't know any one of them," he said.

M.L. Sharma looked at P.M. Nair. That was a signal. The door opened. A fair-skinned bearded man walked in.

Yes, the guy, Srivastava thought for a moment. Why should this plous-looking man betray his country?

"Do you know him?" Sharma posed the question to the bearded man.

"No", he sounded shattered inside.

"And you?", this time the question was to Srivastava.

"Yes, Nambi Narayanan. I have seen his photographs."

"That's all?"

"Yes."

"Next", Sharma said.

Another bearded man. He has long beard and equally long hair. Then a stout guy. And, then a dark and middle-aged man. They came one by one.

Srivastava couldn't identify them. Nor could they.

And next.

A fair old lady.

"No", Srivastava said.

"And do you know him?" P.M. Nair directed the question

to her.

"No."

"But then why did you all say before the IB men that you know him well?" Both Sharma and Nair looked visibly annoyed.

"Never", Nambi Narayanan interrupted. "In fact, I was tortured just because I didn't agree to say three names, U.R. Rao, Dr. A.E. Muthunayagam and Raman Srivastava."

Raman Srivastava looked at the scientist. A glimpse of gratitude. Nambi felt the unseen touch of an unknown heart.

The other three men said they were tortured to such an extent that they finally said in front of the video camera that Srivastava was a member of the spy-ring.

And then came the queen bee.

"He must be Raman Srivastava", she told M.L. Sharma.

His heartbeat suddenly stopped. His throat went dry. He saw the face of Anjali, Jitu and Ritu. Is the worst going to happen? My God! Then he heard her voice.

"Inspector Vijayan had shown me his photos. Both in uniform and in mufti. I was given training to identify his photograph from among other photographs. They nearly broke my knee when I resisted."

The same Vijayan who had rushed to my home and said that she had mentioned my name to the IB? Srivastava couldn't believe her words. But he had stopped believing the world around him. In the labyrinthine corridors of existence made of lies and half truths, he had lost track of the corridors and their colours.

The identification parade was over. M.L. Sharma asked Srivastava that he should, on his return, fax to his number 4939117, V.R. Rajivan's letter to the DGP, four days after the arrest of Mariam Rasheeda. Srivastava never knew the letter had more than enough ammunition to blast the spying theory into pieces.

The worst had ended. Srivastava shared dinner, brought from the mess, with M.L. Sharma. It was 9.30 p.m. Five minutes later he got a call. Jitu. "Nothing special", Srivastava consoled his son.

"Who do you think has framed you?" Sharma asked Srivastava, both lighting cigarettes after a light dinner.

"I think I was initially implicated by *Kerala Kaumudi*," Srivastava then said about the editor's enmity towards him.

Sharma gave hints that he had been framed.

"Why can't you talk to the DGP over the phone to crack down on the plotters?" Srivastava wanted to know.

Sharma gave an enigmatic smile. He didn't want to tell the IG that both his and the DG's phones were being tapped by the IB.

Early next morning Raman Srivastava was taken to the airport. He checked in and was on board an Indian Airlines flight to Trivandrum.

Again a window seat. Again in the belly.

Again the wing gliding through the mountain like clouds. He scanned *The Indian Express*. From the front page it screamed: "Raman Srivastava IG arrested by CBI and taken to Bangalore for interrogation. The CBI had planned to take him to Malligai. But then they decided to change the venue. . . ."

Why does the IB, which leaks news to the press, always err?

He crushed the morning lie with utter contempt.

Bullshit!

Anjali couldn't believe her eyes. She too had read the paper. But here her man is back. On the very next day, he reached out for the woman who has been his strength. She held his hand firmly. Then he broke down. And wept like a child.

At times the story heads for a climax. And then nosedives.

A spirited forum in Kochi filed a writ of mandamus before Kerala High Court, seeking a direction to the CBI to arrest Raman Srivastava. The single bench dismissed the writ and the forum moved an appeal. On December 28, 1994, the Division Bench ordered the CBI to produce all records connected with the questioning of Srivastava. The court directed the investigating officers to file separate affidavits stating whether there was an iota of evidence to establish even *prima facie* connection of Srivastava to the spy-ring. Not satisfied with the affidavits, the Bench directed CBI Director, K. Vijaya Rama Rao to file an affidavit of his own. The CBI Director's affidavit too made it clear, in unambiguous terms, that there

was not even an iota of doubt against Raman Srivastava. That was on January 9, 1995.

January 13, the Judgement Day!

Thirteen is an inauspicious number. A bad omen. It evokes memories of the mother of all betrayals. And crucifixion of the truth.

But Anjali tried to think differently. The CBI has cleared her husband from all the allegations. She was waiting for the High Court judgement to catch the next flight to Delhi to see her critically ill mother.

She was sipping a cup of black tea when, inside a jam-packed courtroom 212 km away, a two-member Bench pronounced the judgement.

"The Kerala High Court has dismissed the appeal seeking direction to the CBI to arrest Raman Srivastava", the radio news bulletin sounded like a voice from heaven.

"Oh, my God! You are great!" Anjali put her cup on the glass topped teapoy. Steam was still seeking its liberation from the still black liquid.

"No court has power to direct the investigation officer to include a person as an accused in the case while the investigation is in progress. Before the police files the final report, no court can direct the investigating agency to implicate one as an accused and arrest him. . . ." The voice from the heaven continued.

Anjali prayed to God with folded hands.

Then suddenly the band changed. It was a radio broadcast from hell.

"The Intelligence Bureau, which has its own investigating machinery, in unmistakable terms, has found the involvement of Srivastava in the spy-ring."

Shocked. Dazed. Cheated.

Srivastava looked at his wife. Children. Delty. He gazed into the vast expanse of the blue sky. No mountain-like clouds. No wing that blades through the clouds. Then he turned his eyes into the vaster sky within. He was searching where the bolt came from.

It was a long frozen time. Nobody uttered a word. The family sat face to face. Like a still frame.

Night set in. The gunman switched the lights on. But the

family didn't feel the light. They were inside a tunnel with both ends closed.

At 12.30 a special messenger threw a bombshell into the tunnel. Suspension for the IG. Before Anjali could give a healing touch to her crumbling man, the phone rang. Her brother from Delhi. Their mother had died. At 12.30.

Mountains and valleys. Highs and lows. Low... low... low...

Chapter 9

The Dirk

NOVEMBER 18, 1994. Bangalore airport. An Indian Airlines flight is getting ready for its dash to Delhi. A man in his late 40s resembling a disgruntled dropout from the Pune Film Institute leads a Russian group into the security zone. He talks fluent Russian. Cracks jokes. Even smiles in Russian.

"Your attention please", the announcer has an unmelodious voice, "There is a message for the ISRO representative who accompanies the Russian team. Please come to the reception. Urgent."

"What is that?", A.I. Dunaev enquired. A.I. Dunaev is the Chairman of Glavkosmos, Russian Space Agency.

"May be some message for some ISRO man", he evaded. He is K. Chandrasekhar, liaison man of Glavkosmos in India, Middle East and Far East.

The security check was over. The team and their liaison man entered the plane. The engine roared. Ready for take-off. Chandrasekhar looked through the window to see whether some policeman was heading towards the plane.

He was apprehending his arrest any time. The announcement was for him. He could only manage the alibi that he was not an ISRO man. But the arrest seemed imminent. He preferred not to unlock the safety belt even after the takeoff was over.

The plane was cruising smoothly. But Chandrasekhar fell into a pocket, the pocket of the past.

The night of October 20, 1994.

Chandrasekhar was sipping whiskey when his phone

rang. The man at the other end introduced himself as R.R. Nair from the IB. He wanted to meet Chandrasekhar next day in the afternoon.

Sitting in the drawing room of House 466, 4th Main R.M.V. Stage III, Bangalore, R.R. Nair asked Chandrasekhar what Mariam Rasheeda meant to him.

Chandrasekhar had met her the first time at Trivandrum airport. They got adjacent seats. Quite accidentally. They chatted and became friends. She told him about one Fr. Pinto who was demanding Rs. 50,000 besides Rs. 25,000 already given for school admission for her friend's daughter in Bangalore. "He is a cheat", she told him and enquired whether he knew anybody in Baldwin Girls High School.

He did not know. But the Principal's husband, Thomas, was a close friend of Sharma, his longtime friend. Chandrasekhar promised her help. Before the plane touched Bangalore, he gave her his visiting card.

The call came next day.

"Then", R.R. Nair wanted Chandrasekhar to continue, "what happened?"

"I entrusted the work with Sharma who managed the admission."

"Then?" R.R. Nair didn't suppress his curiosity.

"Nothing", Chandrasekhar uttered a lie. He didn't tell the IB man that he had made a couple of outings with her and that he had introduced her to ISRO scientist Sasikumaran.

Nair threw a hidden smile at him and left. He got the meaning of that smile two hours later. There was a call from V. Sudhakar, Managing Director, KELTEC. Chandrasekhar was expecting that call from Trivandrum to know about the progress in the proposed joint venture between Glavkosmos and KELTEC to fabricate cryogenic engine for ISRO.

Sudhakar didn't talk business. He signalled danger. Quoting *Desabhimani*, Sudhakar informed him about the arrest of Mariam Rasheeda and that she had been spying for Pakistan.

Chandrasekhar deciphered the sarcastic smile of the IB man. He tried to drown the shock in three pegs of whiskey.

"Veg or non-veg." Air Hostess. Plastic voice. Plastic smile.

"No, thanks." He wanted to go to the loo instead. For that

he had to unlock the seat belt. He didn't want to. He pressed his back firmly on the pushback. He tried to close his eyes and cut his memory line. He succeeded. For a while he tasted the spirit of emptiness.

Two days later he returned from Delhi. At the airport he saw Vijayamma and advocate Vijayakumar. Something unusual. Especially the presence of Vijayakumar. Am I going to be arrested at the airport, he wondered. "Nothing so serious", Vijayakumar pacified him, "but we have to be careful."

Vijayamma noticed two motorcycles following their car. She didn't know it was part of the surveillance. She didn't know her house had been under the surveillance of IB for more than three weeks. She didn't know their video cassette and camera with loaded film, both carrying proof of visit of the Glavkosmos team, had reached the hands of IB through her maid servant. She didn't know Mariam had named her husband as a member of the spy-ring. She didn't know she couldn't get many of her relatives in Kerala on the line because they had been threatened by the police. She didn't know that the police was trying to plant proof in her house to establish that she was running a brothel.

Yes, the Dy. General Manager, HMT, was oblivious of many things happening around her.

Next day, 4 p.m.

A knock at the door woke up Chandrasekhar from his nap. Four men, whom he was seeing for the first time, and the SI of Hebba Police Station greeted him. A tall man with cropped hair, thick moustache and eyes that reminded him of a psychic patient on prolonged treatment introduced himself as Siby Mathew, DIG, leader of the Special Investigation Team. He introduced the team members. Babu Raj, Dy. SP, K.K. Joshuva, Dy. SP and K.S. Vimal Kumar, S.I.

"We want to search your house", Babu Raj told Chandrasekhar.

"Where's the warrant?", Chandrasekhar queried.

"Will reach you soon", Siby Mathew threw a smile at him.

Before his smile faded his eyes glowed. They fell on a model of PSLV on the table. Siby took it in his hands. "A clinching evidence", he murmured.

"From where did you get this?", he asked. That was pre-

sented to Chandrasekhar by Prof. Marchuk. "Who is that guy? Why did he give this to you?"

"Marchuk is one of the foreign consultants of ISRO. He was once the Vice-President of Russia", Chandrasekhar said.

"So that is how the Russian link goes", Siby was in a contemplative mood. He had the key in his hand.

Chandrasekhar didn't understand the pun Siby gave on 'link'. But he knew ISRO had invited Prof. Marchuk to analyse the failure of the development launch of PSLV in 1993.

"So you keep a model of PSLV at home", Siby went on.

"What is so great in it?" Chandrasekhar asked him. "This was originally presented to Prof. Marchuk by Prof. U.R. Rao, ISRO Chairman, alongwith a book he wrote. Marchuk presented me the same model after I signed the contract with Glavkosmos."

Siby Mathew cut him short through gesture. He didn't need any explanation from Chandrasekhar.

That was when Babu Raj came with a new model, quite different from what Siby was holding tight. He had unearthed it from the masterbedroom.

"Here is one," Babu Raj was thrilled. Chandrasekhar didn't clarify that was a model of VOSTOK, Russian rocket.

Suddenly the fax machine became operative. The search team rushed into his office room.

A message from ISRO. Nay, that was a letter ISRO had sent to Aleksey V. Vasin, redirected to Chandrasekhar.

Siby Mathew took the fax. His face turned red. The IB had told him about Vasin. The guy in Glavkosmos with whom Nambi Narayanan had struck a deal to transfer four bundles of the drawings of Viking technology. Vasin is the middleman to smuggle the documents to Pakistan.

Siby searched the fax file, like a man possessed. He drew a few messages out.

"How did you intercept the secret message from ISRO?" Siby was in a grilling mood.

"I didn't intercept. The messages may not have been clear. So the Glavkosmos people refaxed them to me to help ascertain from ISRO the content of the letter."

"But, why you?"

"I am their agent."

Siby Mathew felt he had struck gold. He heard what he wanted to hear from Chandrasekhar.

Joshuva prepared the search warrant. Among the evidence seized he included the PSLV model which any Tom, Dick and Harry or Siby Mathew could purchase for Rs. 250 from the ISRO Headquarters.

For a moment Chandrasekhar thought he was witnessing an absurd drama in which investigating officials behave like idiots.

"You have to sign a couple of papers at the Hebba Police Station," Siby Mathew said before he escorted Chandrasekhar out.

It was twilight and Vijayamma was lighting the lamp in her pooja room when she heard Babu Raj saying, "You need not worry about your husband any more."

The next morning she saw her husband at the airport. Advocate Vijayakumar had informed her the previous night that Chandrasekhar will have to go to Trivandrum to sign some papers. She gave him a briefcase with two pairs of dress for his short stay in Trivandrum. She also told him that his room had been reserved at Hotel South Park. Chandrasekhar gave his wife no hint that he was under arrest. Siby Mathew had specifically instructed him not to tell Vijayamma anything about the arrest. "In that case," Siby cautioned him, "we will have to arrest her also."

"Do you know your husband has been staying with Mariam Rasheeda for many years ditching you?" Baburaj came close to her and asked as she was walking towards her car.

"I know my husband, the way your wife knows you. How would she react if similar things are told to her about you", Vijayamma cut him short.

"O.K. Where will you get costly silk sarees from?", Babu Raj enquired with a smile. A smile to hide his intentions. But Vijayamma got the cue. After all, he is also a policeman. It is very difficult for a policeman like him to rise up to his rank. He would bite you. In the next moment he is ready to lick you.

"There is nothing so special in Bangalore which you can't

get in Trivandrum." She tried to avoid the Dy. SP who was behaving as if he had a hidden agenda.

"You people are enjoying life. You are member of many clubs". Babu Raj poked his head into the car.

"What is wrong in it?" Vijayamma asked.

"Nothing", said Babu Raj, "except that you shall never enter the clubs again."

Vijayamma felt the venom. She looked at Babu Raj, scared. But he had walked away. She decided to take leave from office. The venom had started spreading. She began sweating. In and out. She heard her heartbeat. Like someone clubbing your head in rhythmic succession.

What is happening to me? What is happening to my Chandra?

Standing almost naked in front of the interrogators Chandrasekhar too didn't know what was happening to him. He only knew they were plucking his beard with pliers and raining blows on his face. He heard them cracking a joke that the blows won't leave any marks thanks to his beard.

Then he found himself standing inside the accused box in a courtroom. It was a two-minute affair. He thought it was all over. He decided not to tell Vijayamma anything about what had happened to him. While returning from the court, the SI asked him to remove his wrist watch and wedding ring. "You are under arrest for doing espionage", the SI said. He didn't understand the full implication. The low decibel voice of the SI sounded very familiar. But he couldn't locate the man behind the voice. He couldn't locate even himself.

"Even if my father is brought here," the SI continued, "he will have to repeat what we teach him to tell. Otherwise we break his bones. Not only his, but his wife's and children's. That is our unwritten law. You tell what they ask you to say. Then you alone would suffer. Don't you love your family?"

The SI removed his cap and smiled. In the next moment Chandrasekhar saw Thampi S. Durgadutt, the SI in mufti, in the waiting room of Dr. Gritja, his cousin. Chandrasekhar had come for a heart check-up of Vijayamma. Thampi was with his mother.

"Don't you remember me?" Chandrasekhar caught hold

of the SI's hand and asked, "Do you think I am a spy?"

"Yes, I remember you. I am sorry I have to see you like this. Please tell the IB people what they want you to tell. Don't you know the statements you give before the police have no value before the court?" Thampi smiled. This time sweeter. Chandrasekhar felt at ease. For a moment he forgot his hands were cuffed.

"Where do you stay while in Madras?", Mr. B asked. Chandrasekhar is back in the Latex Guest House.

"Hotel Connemara. Or Chola."

"No. You have to tell a different story. You were staying in Madras International."

"I don't know a hotel by that name. I have never been to that hotel. You can verify my records."

"You have to say that you were in Madras International on January 24", this time it was Mr. A.

"Do you want me to tell lies?"

A blow on his face left Chandrasekhar bleeding from his mouth. "Behave properly. Repeat what we say. Learn them by heart. We know you are a liar. All other members of your gang have agreed that they met you at Madras International. Raman Srivastava has agreed. Sasikumaran has agreed. Fauziya has agreed. Mariam has agreed. Now, tell us from where did you pick up Srivastava? Tell us what all documents were transacted in return for one lakh dollars?"

Chandrasekhar looked at the three-member team in utter disbelief. Am I seeing things? Am I losing my mental balance? Who are these men staring at me? Will I ever see Vijayamma and my mother. Oh I have to attend her 84th birthday. . . .

In the next moment he heard two shrill cries. His wife and his mother, he thought.

"Unless you tell the story, we shall torture your wife and mother. They are in the next room. Your mother now can celebrate your death. Or you can celebrate hers. If you are interested in seeing your wife being raped in front of you and your mother, we can do it for you. We want to keep you spies in good humour." Mr. A gave him a slap and asked, "How do you know S.K. Sharma?"

"Old friends."

"Why did Sharma take Fauziya and Mariam to the Army Club?"

"I don't know."

"Who is the Brigadier?"

"I don't know any Brigadier."

"Who is Wing Commander Sharma?"

"I don't know."

"Don't you know he is your friend Sharma's father-in-law?"

"I had met him. But I don't know his rank."

"So you know him. Similarly you know Brigadier Srivastava also."

"I don't know any Srivastava."

A rude blow on his head and Chandrasekhar swooned. Mr. A then gave direction to switch the tape off. Chandrasekhar's mother and wife stopped crying.

When he woke up he found Siby Mathew, Joshuva and a new face talking to the three wise men of the IB. Mr. A was holding a copy of *Mathrubhumi* newspaper. It screamed: "PSLV FIRST LAUNCH FAILURE DUE TO SABOTAGE". Siby Mathew threw the paper on his face. Chandrasekhar read the news: "*There is clear information that the failure of the first launch of PSLV on September 20, 1993 was due to sabotage. The sabotage has caused a loss of over Rs. 60 crore and spoiled the efforts of thousands of scientists. It has also pulled India's space technology back. ISRO scientist D. Sasikumaran and Glavkosmos agent K. Chandrasekhar were the brains behind the sabotage.*"

He couldn't read further. He felt dizzy. His throat became dry. He asked for a cup of water. Mr. A told him they don't have time and he better answer their questions. The clock ticked 11. He watched the pendulum swinging and listened to the music of the bell when he noticed the date on the dial. November 28. "My mother. Your birthday!" He started weeping.

Through the flowing veil of teardrops he saw a woman emerging into the room. Mother? He wiped his eyes. It was Fauziya Hassan.

"Do you know him?" Siby Mathew asked the Maldivian.

"Yes."

"When did you meet him?"

"At Madras."

"What did he give you?"

"A cover."

"What did you give him in return?"

"One lakh American dollars."

That was a slap on his faith in human beings. Is this the same woman whom I had helped in her distress? How could she tell such a lie? And why?

"What are you saying Fauziya? Have you gone mad?" Chandrasekhar confronted her. "One lakh American dollars," she repeated.

"How big was the packet?"

"Two inches."

"How can you hold one lakh dollars in a two-inch packet, Fauziya?"

"Then it could be a bigger packet."

"In which hotel did we meet?"

"I don't remember."

"Room number."

"Don't remember."

"Time?"

"I don't know."

Fauziya then looked at the wise men of IB. Mr. A came to her help.

"Good Chandrasekhar, you are arguing like K.K. Venugopal. But, sorry, this is not the court of justice."

That was followed by a powerful blow on his left ear. He didn't see who hit him. But he heard the voice of B.

"We know how to make you tell the truth. Tomorrow your wife's photograph will appear in all newspapers. She is running a brothel in your house."

Something cracked inside. Chandrasekhar felt his chest breaking into pieces. He screamed.

"Bring a rope. Let's hang him head down", he heard Mr. A.

"I want to lie down. My heart is breaking", Chandrasekhar pleaded with folded hands.

"Lie on the floor if you can't stand," Mr. A showered kindness. Chandrasekhar groaned in pain. A black hefty doctor

came rushing in. "Take him immediately to the hospital", he heard the doctor saying.

* * * *

Something different happened at Bangalore around the same time. Vijayamma had locked the house from inside. She had given strict direction to her security not to let anybody in. She was about to go to bed when she heard someone quarrelling on the road. She heard a woman screaming. In the dim light outside, she saw a woman fling the gate open. She heard continuous knocking at her door. The woman was crying aloud. She was pleading with Vijayamma to open the door and let her in. Vijayamma came down from her bedroom and asked the woman to move close to the window so that she could see her. But the woman preferred not to show her face to Vijayamma. Vijayamma felt something was fishy and told the supplicant she would not let her in. At the other end of the road she saw a group of men watching the drama. A few minutes later the woman stopped crying and walked towards the gate. She joined the group. And, they disappeared into the dark. . . . Two minutes later a police jeep slowed near her house and then sped away.

Vijayamma got frightened. She opened the fridge. And the deep-freeze. She took an ice cube and rolled it on her forehead. She feared her head would break. She stretched her hand for the T.V. remote. She surfed the channels to kill the night. A comedy. WWF wrestling, CNN 24 hrs. News channel. Star Sports. And then a black screen. The national channel!

Chapter 10

Chocolates

THE Red alert. Viyyur Central Prison suddenly became surcharged with activity. Armed policemen criss-crossed the premises. Shooters took command at vantage points. Even insensitive spots were sensitivised.

Everything ready. Everybody ready. The drama can unfold any moment.

Yes, any time a Pakistani helicopter can land in, break cell no. 5, and free S.K. Sharma, 6th accused in the ISRO espionage case. He is their man. The link between ISI and some top brass in the Indian Army.

Sitting in cell 6, Nambi Narayanan watched a couple of gun-wielding policemen stationed in front of his cell. He saw the jail Superintendent walking briskly towards Sharma's cell.

"What's the problem?" Nambi asked the Superintendent.

He gave a hint which Nambi didn't understand. Nambi wanted to meet the jail doctor. Something was scratching inside his head. It was the doctor who told him about the newspaper report. A local daily, quoting highly placed sources in the IB, had flashed the story that the ISI would "airlift Sharma today".

Today meant January 14, 1995.

Nambi wondered how the ISRO espionage case had turned every scribe in Kerala into a detective.

On his way back to the cell, Sukumaran, a man in his 40s, approached Nambi. Silently, stealthily. The inmate had three murders and two rapes to his credit. His conviction

period was for more years than his age.

"Can you sir," Sukumaran whispered, "ask your friend to take me also with him. I want to live. I love life."

Nambi didn't know what to say. He nodded. He didn't mean yes or no. But to Sukumaran the nod signalled a positive cue. He smiled showering an ocean of gratitude on Nambi. "Keep it a secret", he whispered. He then vanished to emerge once the helicopter landed.

"Why so many policemen?", Sharma couldn't resist asking Nambi as he was coming close to his cell.

"To prevent the ISI from airlifting you."

"Who is this ISI?", Sharma asked curiously. Nambi didn't say anything. He was witnessing the innocence of a simple human being labelled a spy.

Why didn't Nambi answer me, Sharma thought. Then he realized that all his questions, since Chandrasekhar gave him a frantic phone call, have remained unanswered.

The call came on October 21, 1994 at his office in Vijaya Steel Ltd., Peenya Industrial Estate, Bangalore. His friendship with Chandrasekhar began at the age of 24. Sharma then was a transport operator, and Chandrasekhar was doing some agency work.

"Do you know who this girl is?" Chandrasekhar asked from the other end.

"Which girl are you talking about?" Sharma asked.

"Mariam Rasheeda."

"Who is that?" Sharma wondered. In the next moment he had the answer. The young Maldivian woman. Chandrasekhar had introduced her and Fauziya Hassan to him. While they were chatting, Chandrasekhar got a call from his wife. She had fallen sick and he had to rush to the hospital. He asked Sharma to help Fauziya get admission for her daughter, Zila Hamdi, in the Baldwin Girls High School. Thomas, husband of the principal, was Sharma's good friend.

While driving the women to the principal's house he heard Fauziya crying. Somebody had cheated her by taking Rs. 25,000 for the school admission.

"I can take you to Domlur Police Station. You better lodge a complaint", Sharma advised her.

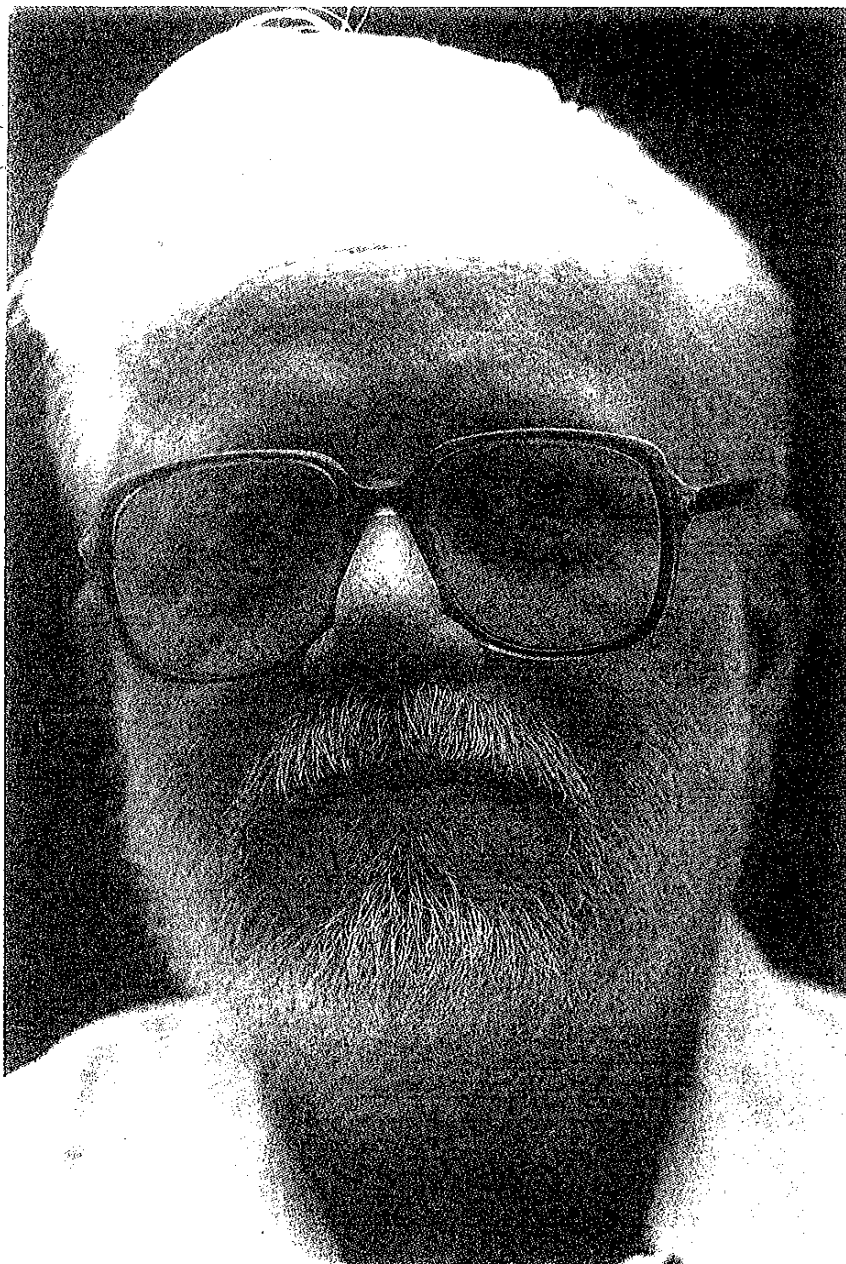
"No," the old lady said, "what will I do if he troubles my



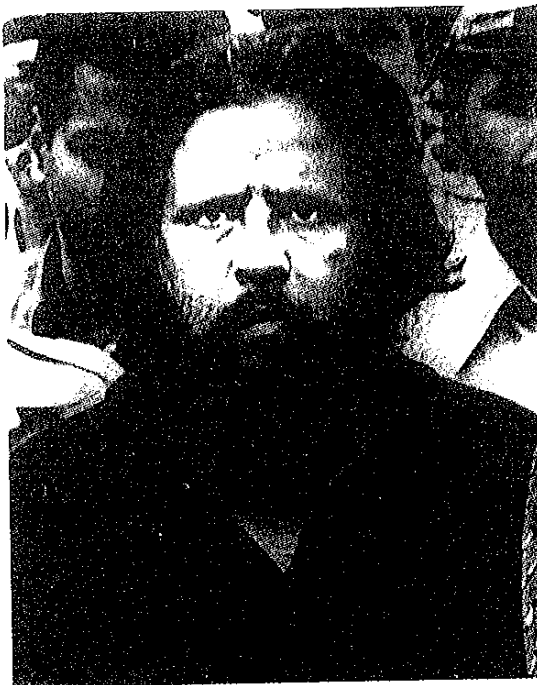
Mariam Rasheeda:
The most unlikely
'Mata Hari' caught
in a spider's web.

Fauziya Hassan:
The other Maldivian
woman trapped with
daughter as bait.

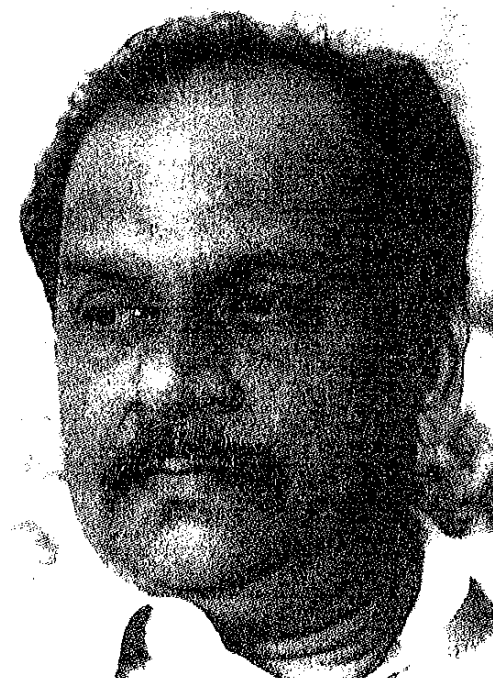




Nambi Narayanan: Eminent rocketry expert treated like a traitor.



K. Chandrasekhar: Branded as Russia's agent to back up the 'espionage' story.



D. Sasikumaran: Another space scientist made to pay a heavy price for no fault of his.



Raman Srivastava, IGP:
The police officer whose
proximity to the then
Chief Minister made
him the fall guy.



S. K. Sharma: Nothing
made the ISRO case
such a farce as the
arraignment of this
contractor who did
not even know what
the acronym meant.

daughter? She will have to be in Bangalore, alone, once I leave for Maldives."

After meeting Thomas, Sharma asked the Maldivian to take an auto and go to High Street, Cooks Town. He met them again, the same evening, at the school. He had managed a seat for Zila. On their way back, Fauziya wanted to go to the loo, and he drove the car to the Ranjit Singh Institute, better known as the Army Club, because Squadron Leader (Rtd.) K.L. Bhasin, his father-in-law's friend, was also with him. Bhasin was a member of the club.

"Mariam Rasheeda has been arrested by the Kerala Police" Chandrasekhar sounded worried at the other end.

"In what way am I connected?" Sharma asked.

"The news report says she is a spy," Chandra said.

"Spy!" Sharma couldn't believe that. "Damn it." He put the phone down without waiting for Chandrasekhar to disconnect the line.

A week later Chandrasekhar gave another frantic call. He sounded nervous. Some IB officers had questioned him in connection with her arrest. Then one day, Chandrasekhar came to E.C.A. Club where Sharma was playing badminton. He looked happy and relieved of tension.

"They have cleared me. That was some wild suspicion."

Sharma too felt relieved. The friends sipped whiskey.

Nothing happened for two weeks until he got a call from Vijayamma. The Dy. General Manager of Hindustan Machine Tools sounded broken. Some police officers from Kerala had taken Chandrasekhar with them. They had also searched the house. She didn't know where they had taken him. Nobody told her anything.

The next moment, his phone rang again. His wife Kiran told him that a police officer, S. Jogesh, had been to their house. He told her to inform her husband that the police wanted to meet him the next day. At his office.

They came. Siby Mathew, DIG, G. Babu Raj, Dy. SP, Jogesh, CI, and a couple of local policemen.

"How do you know Chandrasekhar?" Siby Mathew entered into the meat directly.

"My friend", Sharma said.

"Since when?"

"From, say, '78."

"O.K., we want to search your office." Siby Mathew gave him a paper. It was the order of XI Additional Chief Metropolitan Magistrate, Bangalore dated November 21, 1994. The order was issued to the Inspector of Police, Special Branch, CID, Trivandrum, Kerala State, to search his factory since "information has been made before the magistrate of the commission of offence under section 3 and 4 of the Indian Official Secrets Act."

"Where is your office? quick", Siby Mathew was on his heels.

"This." Sharma showed the room in which they were sitting.

"No. Your factory", Siby tried to clarify.

"I don't have one. I am a labour contractor. Vijaya Steels Ltd. has allotted me this office in their premises."

The cops looked at each other in utter disbelief.

The search was conducted. In column 4 of the search list where you describe the articles found during the search, Jogesh wrote with his own hand. . . NIL.

The team wanted to see his house. And before that the Army Club.

"I am not a member. Let me try uncle Bhasin," Sharma gave him a ring. In less than 30 minutes, the retired Squadron Leader was in front of Vijaya Steels.

Soldiers are always like that. Whether in service or not.

At the Army Club, Bhasin offered the cops tea. But they were on duty and refused to accept free peas!

"Do you know Mariam Rasheeda?" Siby Mathew came to the point.

"You mean the Maldivian? I don't know who among the two is Mariam Rasheeda. But I had taken them here a few months back."

Siby Mathew then scanned the Club records.

"O.K. Now we are going to your house, Sharma", Siby Mathew rose from his seat. Always in a hurry.

Sharma spotted a couple of police vans in front of his house.

"Nothing to be worried," Babu Raj told him, "just a courtesy call."

When they entered the house Jogesh gave him another search warrant. This one to search the house. After another 45 minutes Jogesh entered NIL against column 4.

"Sorry, Mr. Sharma. But, you see, it is our job," Siby Mathew sounded a bit apologetic. Sharma just stared at them.

Next morning a call from Siby Mathew made him stare at the whole world. "You are hiding a lot of things, Sharma. You have to come to Trivandrum. Our higher officials from Delhi have to question you. Be there on the 27th. At your own expense."

November 27 was a Sunday, so Sharma left Bangalore one day early. He took with him Raju, a friend, and Tomy Sebastin, a Bangalore based Malayalee lawyer, hoping that he would be of great help to Chandrasekhar in getting bail.

They checked into Hotel Pankaj, opposite the State Secretariat. Before he ordered anything, Tomy Sebastin located the phone number of Siby Mathew. The DIG was not there. Sharma informed the constable about his stay in Trivandrum. Two hours later at 3.30 p.m. his phone rang. Dy. SP Babu Raj. "Nice that you have come. We will meet tomorrow."

"Why can't we make it today itself?", Sharma asked.

"Not possible. We are awaiting officers from Delhi," Babu Raj cut the line.

The waiting continued for four more days. Meanwhile, Raju had returned to Bangalore, and Sharma and his advocate moved to Room 315. Next day he got a frantic call from Kiran. "Where have you gone, man? Absconded? Siby Mathew has just phoned me and said that you have absconded."

"Where can I go?", Sharma shouted at her. "Don't you know I had never been to Trivandrum before? Again, is it not you who contacted me here?"

Sharma couldn't understand why the police officer should tell a lie. He became a bit agitated. He dialled Siby Mathew. At the other end it was again Babu Raj. "O.K. You are still there? We have been told that you have vacated rooms 310 and 314. So we thought you might have absconded."

"But, you didn't bother to check whether I have moved to

some other room in the same hotel. The change has been recorded in the register. Don't you know I have come on my own and have been waiting for the last five days for you people to question me? Why should you frighten my wife? This is cruel." Sharma didn't wait for the reply. He banged the phone.

The cruel part was yet to come. Next day, December 1, Babu Raj entered his room around 1.30 p.m. There were a couple of policemen with him. They took Sharma to the Cantonment police station and left him there without food. His advocate was not permitted in.

Next day around 2 p.m. Jogesh rushed into the station. "Quick. We have to move", he said. He didn't ask whether Sharma had his food since he was taken under custody.

In the next ten minutes Sharma found himself standing in the accused box in the court of Additional Chief Judicial Magistrate.

The Magistrate glanced through the Remand Report submitted by K.K. Joshuva, Narcotic Cell Dy. SP. Para 4 and 5 of the report reads:

"During the investigation I got information that S.K. Sharma has moved out of Bangalore with an advocate and is staying in Hotel Pankaj, Trivandrum. I arrested him from a place near the hotel and kept him under custody in Cantonment police station. . . . Arrest was informed to advocate Tomy Sebastian, who had accompanied him from Bangalore. . . . On questioning, the accused has pleaded guilty."

"Remanded to police custody till December 12, 1994."

Sharma heard the magistrate pronounce the order. He stood shell-shocked. And then cried. "I have never done any crime. I am only a friend of Chandrasekhar. I came here because DIG Siby Mathew had asked me to come over to Trivandrum. You are linking my name to ISRO. I don't know its full form. Show me at least one person in the whole of ISRO who knows me personally. It is a mistake. I am not a spy. . . ."

The Magistrate tossed the remand report and the Bench clerk called the next case number. A constable pushed Sharma out of the accused box. The court is busy. Justice has to be delivered. Only Sharma didn't know that.

Next day, *Desabhimani*, the Marxist newspaper, reported:

"The Special Investigation Team has arrested yet another top rung scientist of the ISRO spy-ring. S.K. Sharma, a former scientist with the ISRO, is now with the Defence Research and Development Laboratory. It is believed S.K. Sharma has played a significant role in leaking sensitive information about missile technology to enemy countries. DRDL is the nerve centre of missile technology related research works."

Kerala Kaumudi reported:

"The police raided Sharma's house and office in Bangalore and have seized many incriminating documents. Chandrasekhar and Sharma are business partners importing components for space and defence research. They have been spying on documents through their business. The police have seized tell-tale documents."

S.K. Sharma, 41 years, holder of an Arts Degree, who began his career as a transport company manager, didn't see the pieces of investigative journalism. Nobody bothered to translate the stories into English, Hindi or Kannada.

Sitting in his cell, Sharma asked himself why did it happen to him? He couldn't figure out who could have trapped him. He was trying to forget everything.

But how can he forget that ripping evening? January 7, 1995.

Sharma, like the other accused, hoped he would get bail from the CBI court. The CJM court had already granted them bail. Kiran had come all the way from Bangalore to take him back.

She was in the front row of the court. He threw a smile at her. Broken and crushed. She waved her hands, signalled victory.

Back from the court he didn't have the courage to look at her. He didn't want to break down in front of her. The CBI court had denied him bail.

At 5 p.m. he had three visitors. Kiran, his daughter and his father-in-law. The child didn't recognize him. He was in his jail dhotti. He didn't want her to recognize him. Kiran gave a packet to the Superintendent. A small brown packet. He opened it, looked at it and gave to Sharma.

Chocolates!

"Why this?"

Sharma couldn't control himself. He broke down.

Kiran pressed her child closer to her heart. "Give one or two to your daughter. Don't you know she likes chocolates more than her toys? But now, she has stopped taking chocolates. I can't stand this any more. I want to see her taste chocolates again. Please."

Kiran held her breath for a while.

Sharma took a handful of chocolates. He opened his daughter's fist and filled it with red, blue, green and yellow chocolates. He kissed her forehead.

The child smelt her father. She looked at his bearded face. The child saw her father. She smiled. She looked at the chocolates in her hands. She smiled.

But she couldn't understand why all the others around her were weeping.

Night fell. The helicopter didn't turn up.

Chapter 11

Squelch

SEPTEMBER 6, 1997.
Court of the Sessions Judge, Trivandrum. M.A. Nissar passed his orders in a criminal miscellaneous petition.

"The offences alleged against the petitioner are bailable. The maximum punishment for the said offences is imprisonment for a period of two years. The petitioner has been in custody for more than two years. Therefore, it is a fit case to grant bail to the petitioner on self bond as, even if she jumps bail, she has already suffered more than the prescribed sentence for the offence."

The petitioner is Mariam Rasheeda, undertrial, R.P. 431, Viyyur Central Prison, Kerala.

She saw a flicker of hope. The bail was in two separate defamation cases filed by Circle Inspector Vijayan against her for daring to tell *India Today* and *Savvy* that the interrogators had tortured her only because she had spurned the advances of one of the police officers.

Earlier she was discharged in the espionage and corruption cases. The court had also acquitted her in the overstay case. Now, with bail granted in the pending defamation cases, Mariam heaved a sigh of relief. She had been trying for the bail for a long time.

Still she was apprehensive. Experience had moulded her like that. She saw how the government had invoked NSA against Fauziya the moment she was discharged from all cases. Mariam raised this apprehension before the court. Judge M.A. Nissar passed another order the same day.

"The Public Prosecutor submits that there is no case against the petitioner and the petitioner's apprehension of arrest is unreal. In view of this submission the CrI. M.C. No. 1538/97 is closed."

That evening was usually cool and calm, though no wind blew. But the sky was cloudy. For the first time in three years, Mariam felt the 312 km-journey back to prison by road inspiring.

The calm that surrounded her was uncanny. She didn't see the gathering storm. She was looking inside. Listening to the whispering of her soul. A soul more punctured than the body in which it dwells.

She closed her eyes. The caravan of memories drowned her in a deluge of images.

Love at first sight.

Dr. Anand David Saldhana, Asst. Professor, Medical College, Mangalore, reminded Mariam of her lost boyfriend. A week later, Anand got a letter addressed to Glenview, Light House, Hill Road, Mangalore. Mariam wanted to meet him once again at her host's house in Bangalore. And Anand couldn't resist his basic instinct. Four days later he got another letter. She was to leave for Trivandrum the same day. Anand went to Bangalore, but the train had departed. In the letter she had given her contact number of Hotel Samrat. She waited for his calls, but he didn't contact her.

After two marriages and two divorces, Mariam somehow felt this man would prove to be her Mr. Right. From Hotel Samrat she rang him up on 24960 several times. She wanted him to come to Kerala. Finally, when he came, the two met at the Calicut railway retiring room and exchanged hearts.

She was dreaming of a life with Anand when she met the man who wrecked her life. A national bandh by the Left parties against India signing the GATT paved the way.

The name of Mariam Rasheeda figured in the PNR manifest of Indian Airlines flight to Maldives on September 29. But the plane left without her because she couldn't get a cab to reach the airport. She rescheduled her trip a week later. But then the biological warfare the CIA had tested on Indian soil had taken the subcontinent to a plague scare, and flights from India were cancelled from October 4. Mariam

was not sure whether she could return before 17, the date on which her permitted stay in India would end. The best option was to get an NOC from the Police Commissioner for stay beyond 17.

On October 8, she, accompanied by Fauziya Hassan, went to the Foreigners' Section in the Commissioner's office where she met Circle Inspector Vijayan. After taking her air tickets to Maldives—she had two tickets, one by Indian Airlines and the other by Air Lanka so as to leave India on 17 in case the NOC could not be obtained—he asked her to come after two days. She did so, but he was not there.

The third day, Inspector Vijayan came to meet her in Room 205. He asked Fauziya to wait outside. He then touched her with unsavoury intentions.

True, Mariam has no great regard for Victorian morality. She had often freaked out and flirted with many. But she didn't like the bull-like Vijayan. She didn't like the way he touched her. She couldn't stand his palpable lust.

"Bas. . .", she yelled, "get out."

Eight days later, Inspector Vijayan arrested her for over-stay and fabricated an espionage case.

Then it was hell. Interrogators beat her black and blue. Stripped her naked. Forced her to stand without sleep for nights together. Mr. A fondled her breasts. "It still sells", he said. He then took a plier in his hands. Mariam didn't see that. She was looking at his face. Suddenly she felt her genitals being ripped. The needle nose pliers in Mr. A's hand held a tuft of her pubic hair. He threw it on her face. "Put a crab in her crotch", he said to Vijayan.

"Let's have tea", the woman constable who had been with Mariam during most of her journeys said. The driver needed a break.

She rose from her seat. Her right knee suddenly ached badly. It had been so for a long time. She caressed the lump of the size of a cricket ball. The mark of the blow the wise men of IB gave her to identify the photo of Raman Srivastava.

The trauma once again flashed through her mind. It was the sixth day of interrogation. Inspector Vijayan brought a couple of photographs and handed them over to Mr. B.

"We don't want you", Mr. A showed the photograph of a

policeman in uniform, "we want only our people. We shall let you free if you would tell before the video that you know this officer and that he had taken you and Fauziya to the Army Club in Bangalore."

Mariam was seeing the man in the photo for the first time. "He is not that man. He is different. Who is this? I haven't seen him", she said.

"He is the same Brigadier Srivastava who had taken you to the Army Club" Mr. A was assertive. "Nice girl. All you have to do is to identify his photographs. You will be a free bird the next moment."

"But tell me why am I here? Is it because I asked your Circle Inspector to get out? You have stripped me naked. Denied me food and sleep. Molested me. What for? Why should I trust you now? I don't believe you suckers. . . ."

She wanted to say something more. She cried instead.

Mr. A gave a rude blow below her right knee with a rod.

"Bring her mother and daughter. Let them see her like this before we rape them in front of her," Mr. A declared his manifesto.

She didn't have to stand that. Mariam succumbed to pressure. She 'identified' the photograph as that of Raman Srivastava IG, the kingpin of the spy-ring of which she was the queen bee.

The gripping pain is still there. The swell has turned to a lump. At times it aches, badly.

"Can you please" she requested the woman constable, "bring my tea here. My leg is giving me problems."

Sipping the hot tea Mariam told the friendly woman constable, "I am free. I never thought I could come out of this prison. I should be thankful to the Indian judiciary. Now I can see my daughter and my mother. I have some health problems. In fact I came to India for treatment. This lump is causing problem. But I won't treat this lump. Let that continue to pain my body and mind till I take my last breath. It is my repentance for dragging the name of your IG, even though at that time I had no other option."

The pain grew. The pain submerged her in its spell. And she fell asleep. . . .

The woman constable woke her up. She is back in the

prison. Tomorrow, she thought, or day after tomorrow, I can fly back to Maldives. The warden gave her two covers. One white and the other brown. She opened the brown. She read it. She screamed and the next minute she swooned.

Now she is in the tunnel. Fauziya is sitting beside her. She gave the paper to Fauziya, three years older than her mother. Fauziya caught hold of her hands. Hugged her.

While reading Mariam's detention order under NSA for one year she felt Mariam's teardrops on her breast.

Fauziya then opened the white cover. A letter.

"Dear Mother,

How are you? I am fine. I have a friend here. When you send the next letter, please mother, write the day you are returning. I shall wait for you at the airport. How is your illness? When will you be discharged from the hospital? I am sad, mother, I am sad. I don't know when you would return. Please come soon. I want to see you. I love you. Good luck mother.

Your Nisha"

Chapter 12

Baptism

APRIL 1, 1998.
Every year, on this day, you allow yourself to be fooled by anybody. A fragile attempt to make yourself believe that you get fooled only once in an year. D. Sasikumaran, 53 years, Scientist-G, ISRO, didn't go for the cathartic relief. The psychological purge was too little for his psyche. He was sweating inside the court of justice. He didn't sweat when his cab, not airconditioned, crossed Tilak Marg and negotiated a curve taking him to the apex court, after a break for lunch, around 1.45 p.m. even as the temperature in Delhi had crossed 39°C.

But, inside the court, where the air is cool like the lips of a virgin after a shower in spring, he felt terribly hot. He unbuttoned the top half of his white half sleeve shirt and gushed in a mass of moist air to cool his soul.

He didn't know that long before he was born, a novelist by name Charles Dickens had understood his trauma. "Being ground to bits in a slow mill; its being roasted at a slow pace; its being stung to death by single bees; its being drowned by drops; its being mad by grains."

It began in a clumsy magistrate's court in Trivandrum after the police had arrested him on charges of espionage. The courtroom was a pre-historic space with barricades raised here and there. The magistrate, whose face he didn't remember and an avalanche of advocates, whose faces he didn't see at all, sat face to face to deliver justice. The room was predominantly black. Black cloaks were flowing, standing or sitting. Why justice needed this much of black to

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surface, he wondered. The magistrate was not holding a hammer. He had seen the personification of justice only in movies. But, the words, "remanded to police custody" had the in-built hammer.

The first sting. The first drop of water. The first lick of fire. The grinding had begun. The madness was to follow.

When did it begin?

After he received a phone call from Chandrasekhar to get the phone number of Hotel Samrat in Trivandrum?

Or when he chose to take a frolicky Mariam for dinner outside?

Or when *Desabhimant* hinted that he was a spy?

Or when ISRO transferred him to Ahmedabad?

Or when he was arrested?

The scientist, who would have become a top brass in the Steel Authority of India had he not joined ISRO in 1970, couldn't pinpoint the beginning of his trauma. He only knew the master fabricator featured on print when Rohini began orbiting the earth in 1980 had now got featured as a spy, traitor, womaniser, et al.

Sasikumaran was in Kodaikanal with his wife, Dr. Sarojaya. She had brought alongwith her a batch of medical students on study tour. They were enjoying the beauty of nature when the news of Mariam's arrest reached him. He never thought the woman who could hardly speak a complete sentence in English and who always mistook him as a doctor could ever be a spy. The hint in the story that he was a member of the spy-ring came as a rude shock.

He shot off a letter to the ISRO Chairman, explaining his innocence. But ISRO didn't take it at its face value. The administration shot an unwarranted letter to the police demanding more details about the alleged crime. Some self-claimed patriots pelted stones at his house. Sen Gupta, IAS, Joint Secretary, Department of Space, showed undue interest in the case and transferred Sasikumaran from the Liquid Propulsion Systems Centre to Space Application Centre, Ahmedabad, giving the impression that there was something rotten in ISRO. Few knew Sen Gupta was taking vengeance on Sasikumaran.

Two weeks after he joined Ahmedabad in shame and hu-

millation, the police brought him back, arrested. Dr. Sarojaya swooned. Next day her husband was on the front page of all newspapers, branded a spy.

Hitting hard on your ears is more painful than branding you a spy. At least for those few seconds following the bolt. There was an explosion inside his head and blood started oozing out. Slowly he realised the sensibility of his ears had lost its sharpness.

The IB sleuths asked him to name Nambi Narayanan. He did. They asked him to implicate Raman Srivastava. He did. Everything in front of the video camera. Each time he believed the truth would triumph. Each time it ditched him.

He didn't find the CBI any different from the IB when it came to the question of torture. While investigating his 'spy background' the CBI found out that his wealth was disproportionate to his known sources of income. They filed a case against him with the co-accused in the spy case as abettors.

After the torture, it was an era of leisure. The cell in Viyyur Central Prison, Thrissur, looked like a mansion against the small cubicle in Ernakulam sub-jail where he shared company with the male co-accused and liberal minded mice, male and female, who were in a festive mood after their journey through the drainage pipe. Freedom! The mice jumped on his torso, tickling him before they retreated into the drain in search of their identity. He didn't want to insult Lord Ganesh, whose vehicle they are. Maybe he thought it fit not to envy their freedom.

It was during the leisurely life in Viyyur that he read *Kayar*, the masterpiece of Thakazhi, Jnanpith recipient. He would not have dared to undertake that venture but for his absolute leisure in the cell. Finally, when he came out on bail after 60 days he had put on four kg. in weight.

Original petition, argument, counter, writ appeal, affidavit, rejoinder, exhibits, witness, cross examination, trial, summary trial, chief examination, accused, acquittal, conviction, bail, anticipatory bail, stay, discharge. What did they all mean?

Quite a lot of legal jargons. Every word has an in-built bomb and detonator. Every word has to be used carefully.

More carefully than you fabricate a launcher. Once launched, they dart faster than your 338 tonnes GSLV, reach the orbit smoother and beam the signals clearer. That was what he was told when the legal process began. But nobody gave him a hint that the legal process would continue to be operative in one way or other even after the court passed its final orders.

So, on May 2, 1996, when the CJM's court in Ernakulam discharged all the accused in the espionage case after the magistrate was convinced that the charges were "false and baseless", D. Sasikumaran, third accused, heaved a sigh of relief.

But that was for the flicker of a second.

Inspector Vijayan moved a Criminal Revision Petition before the Kerala High Court, praying that he be declared as the first informant in the spy case and he be given a fair chance to reopen the discharged case.

A week later, the power centre in Kerala changed in favour of the Marxists, who, by that time, had declared that every institution in India is unpatriotic except their comrades, the IB which had tortured any number of their comrades during the Emergency, and Inspector Vijayan. The new government ordered further investigation into the espionage case even when the law of the land says that the state government has no authority under the IOS Act to launch even a complaint before a magistrate.

That made the accused change their roles. They became complainants. They challenged the Government notification through writ petitions. Meanwhile the BJP and the CPI (M), through their political outfits, filed separate Criminal Revision Petitions before the High Court challenging the CJM order. That was when the scientist-turned-complainant became a counter petitioner.

After four months of arguments, the High Court dismissed all the Revision Petitions declaring that Inspector Vijayan and other public spirited litigants had no locus standi.

The court also dismissed the petition of the accused after putting on record that the Kerala government had no legal right to investigate the espionage case. However, the CJM, Trivandrum, gave formal permission to the Kerala police to

further investigate the case. Sasikumaran's name appeared again in the accused column. Back to square one.

The scientist didn't want to go through the police mill. He opted for the legal mill. He moved an appeal against the CJM order. Once again the accused became a complainant.

Meanwhile, his friends had moved a Special Leave Petition before the Supreme Court challenging the High Court order. He flew down to Delhi to move his own SLP. By that time, he had lost faith in advocates. He had tried the best lawyers to fight his case. But he found them neither studying nor presenting the case properly. He read the relevant Acts and soon got convinced that most of the advocates of this country did not understand the law properly. He tried to educate even the Supreme Court lawyers, but they just tossed away his treatises on law. Some of them even wondered whether the mill had turned the scientist a bit abnormal. He wanted to educate the whole legal community, but they asked him to stick to rocket fabrication, and not the Law.

Today he was going to argue his case. That too before the apex court. That was the reason why he was sweating even inside the court.

When his turn came, he rose and argued.

Out from the court, M.L. Sharma, Joint Director of CBI, came to him and said, "Sasi, you have made an ass of yourself." He didn't answer.

Many, including the CBI, Sasi felt, had made him an ass. "Now let me make myself one. There is some pleasure in it," he was in a soliloquy.

Walking towards the exit he saw a queer thing. Siby Mathew, IG, throwing away tea and biscuits offered by T.P. Senkumar DIG. That too inside the premises of the Supreme Court. Now who is going to sue whom, Sasikumaran wondered.

Back to the hotel in a taxi. Nambi Narayanan was sitting by his side. Nambi didn't say anything. He was looking outside, seeing nothing. The car negotiated a curve. A two-storeyed building, painted pista green, and an Alsatian in the portico pulled Sasikumaran's memories back to the days of ceaseless torture.

There is silence in the building. It is the silence of the twilight. The world has turned sepia. Sasikumaran is being escorted through a corridor. His figure is in silhouette. His hands are cuffed. A long chain from it is in the hand of an interrogator. The scientist walks like a dog, on two legs. He sniffs blood. He turns his face to the left. He is in front of a room with its door half-open. A man is lying on the bench. His legs are swollen. They are bleeding. There are rashes on his body. He is groaning in pain. Sasikumaran cannot see his face. But he knows who the wriggling soul is. The Princetonian. Dr. Vikram Sarabhai's blue-eyed boy.

Sasikumaran felt pain in his ears. His memory line got cut. But he connected it again.

When did I first meet him, he asked himself.

Strange coincidence! Nambi Narayanan was also asking the same question.

Sometime in the '70s Nambi Narayanan found an Ambassador car not giving right of way to his Lambretta scooter. The Kochuveli road was like a ribbon and it was difficult to overtake unless the man in front showed traffic courtesy. Nambi Narayanan couldn't get a glimpse of the discourteous man till he managed to overtake in his scooter and stop in front of the Ambassador. Nambi Narayanan lavished four-letter words on the man at the steering wheel. All his abuses were returned in the same coin. Once the fury subsided, Nambi Narayanan drove to his office. That day there was a conference. The Chairman of the ISRO made Nambi Narayanan the one-man committee to study the points raised in the committee. A week later when another committee was deliberating his report he saw that man with no traffic sense sitting opposite him. He felt a bit irritated. Maybe that was the reason why when the new face raised objections he cut them short as a bunch of technical lies.

Sasikumaran felt pain in his ears. His memory line got cut, once again.

Sasikumaran looked at Nambi Narayanan. The man was searching the silver line in the cloud. From that room in that two-storeyed building Sasikumaran heard the groan again. Again. Again. He couldn't control his rupturing heart. He caught hold of Nambi Narayanan's right hand. He held it

tight. He pulled it towards his own chest. He fixed it tight to his chest. He wanted Nambi to feel his heart. He felt a palm caressing his bleeding heart, instead.

Nambi Narayanan looked at him. He saw the fabrication engineer crying like a dam with shutters full open.

Chapter 13

Light in the Tunnel

NOVEMBER 30, 1997.

Fauziya Hassan, 54 years, detainee No. 199, sits in her cell reading *The Indian Express*. She has been reading the weekly forecast since she was labelled a spy. For reasons unknown to her, she jotted down the forecast in her notebook:

"A series of extraordinary events will make the next week somewhat more lively than anticipated. If you are in tune with the mood of the moment you will get the best out of opportunities and find a more appropriate solution to every problem. It is not a question of right or wrong, but of what works best."

She closed the notebook numbered twelve. The 5ft. tall, frail woman, who has reduced in weight since she was implicated in the spy case, sat for a moment blank with her hands clutching the notebook. Her memoirs.

It was the end of a sunny day. Beams of sun light fell slanting into her cell. At the other end was Mariam Rasheeda scanning the glossy pages of the August '96 issue of, *Companion*, a British magazine, sent to her by their one-time inmate in the cell, Samanta Slater, once a British model for Coca Cola. The cover has the lusty face of David Woolley and it screams in fluorescent rose letters, *Hello boys: The bad girl's guide to good sex*. Is Mariam reading a story on her, Fauziya asked herself with a smile.

Fauziya closed her eyes. In the black vision inside the closed eyelids she saw a dim light searching a face. Her little Zila. She also saw the sprawling beaches of Maldives

and her lone son doing carpentry. She saw the dew-like face of her grand-daughter, whose face she is yet to see. Finally, she saw a face she couldn't recognize. Her own face. How much it has changed!

An expert tailor, Fauziya, a matriculate, was with the Maldives Customs for four years. Married twice, divorced twice, she has a son and two daughters. In 1990 she moved to Sri Lanka with her little Zila. Four years later, on January 24, she came to India, her first visit to the country that ravished her later. It was a kind of paid job to accompany two heart patients. Four months later, she came with Zila, her youngest daughter through her second marriage, seeking admission in Baldwin Girls High School, Bangalore. After eleven days stay in a hotel she moved to the house of Ali Nasir, son of Ibrahim Nasir, the former President of Maldives, and from there to G-1 No-6/2 Auckland Residency, High Streets, Cooks Town, Bangalore, as a paying guest of Sara Palani from where the Kerala police picked her, kept her under illegal detention for two days, fabricated an espionage case and made her the first accused.

Three years have passed since. All the co-accused, except she and Mariam are free. They have no money for security. Nobody to stand as surety. Nobody to question their continued detention. Not even their country. Fauziya has tempered her mind and body to reconcile herself to the reality that she would only end up in the cell. It was then the weekly fortune gave her a ray of hope.

Only a ray. The rest is pitch darkness. The future, the present, the past.

* * * *

Now she was in the Hindustan Latex guest house. End of a day's torture. She couldn't understand the story the interrogators were forcing into her cognition. She hadn't met Nambi Narayanan. She hadn't met Raman Srivastava. She knew Sasikumaran as a friend of Mariam Rasheeda. She knew S.K. Sharma, the stout man who seldom smiled. It was he who managed admission for Zila.

But the interrogators wanted her to tell something differ-

ent. They had promised that she would be made an approver and let free if she would tell their story as hers in front of the video camera.

The new story sounded quite dangerous. She had to say that she had been spying for Pakistan; had given Nambi Narayanan one lakh American dollars in exchange for documents and drawings of rockets; Zuhaira, her friend, was a spy; Raman Srivastava IG was an active member of the spying; and that he was the same Brigadier Srivastava who took Mariam and her to the Army Club.

"What do you say?" Mr. B asked her.

What if I fall a prey to these lies, she thought, and said, "Sorry, I can't tell these lies."

Mr. A came close to her. Raised her face by her chin. A slap. Not the first. Not the last.

"Let's waste no time. Let's bring her here. Let's rape her one by one in front of this old bitch," Mr. A said. Mr B nodded, Yes.

"Who?" Fauziya asked.

"Zila", Mr. A gave a frightening smile.

My thirteen-year-old girl! Allah! What sort of a trial is this? She felt dizzy. She saw little Zila standing in front of her, nude. She saw them ravishing her in succession. She saw blood streaming from her crotch. She heard Zila groaning in pain.

"No, no. Don't do that to my kid", Fauziya cried aloud. "Tell me what you want me to say."

Fauziya became a lamb. To save her lamb.

But half way through the 'confession' she again cried aloud. "All lies. All lies. Can you ever prove these lies? Why did you threaten me that you will rape my little Zila?"

The video camera stopped whirling. Mr. A came close to her. Raised her face by her chin. A slap. She was thrown off balance. Her reading glass slipped off from her hand.

"We can make proofs. We can bribe people to appear as witness. Unless you complete the recording we will throw you into the sea. Alive. Nobody will ever know how you died. Nobody in India will question us. Obey us for your safety and your daughter's chastity."

"When can I go?" Fauziya asked Mr. A after she completed

the recording. "I have said everything you have asked me to say. Allow me to go to my Zila. We shall leave India tomorrow. We shall never return."

Mr. A didn't answer. He threw a smile at her. It took more than ten days for her to understand the meaning of that smile. Mr. A took her to a room. There she saw Chandrasekhar. He looked like a beggar in torn clothes. His face was swollen. He was crying like a baby. "Ask him the questions as we have told you", Mr. A whispered into her ears.

Am I trapping the man who helped me? But then what's wrong in it if that can help me go free? Let me not be concerned about others. I alone can help my little Zila. Yes I am ready for the ditch.

Fauziya took a deep breath. The note book was still in her hand. Mariam was still in her old position. Then she heard Mariam crying. She went upto her cellmate. Mariam was in deep sleep. Rivers of tears streamed down her cheeks. Fauziya wiped the river clean with the lace of her skirt. For a moment she thought it was her Zila. She caressed Mariam's forehead. Sleep child, sleep. It is a blessing.

December 10.

Fauziya was bathing when a guard told her that she was free. She couldn't believe the guard even though she had been expecting that news. She shouldn't share the happiness with Mariam who had been taken to Trivandrum in connection with two separate defamation cases.

"Once again Fauziya, you are free", the jailor told her. Once again. Perhaps, for the third time.

First the CBI court discharged her from the last case pending against her in June 1996. That was the one registered under the Prevention of Corruption Act. The CJM court had already discharged her in the espionage case. She could have left for Maldives the same day as there was no case pending against her at that point of time. But the court ordered that her release was conditional. She didn't understand how a release could be conditional when there

was no case against her in any courts in India. She collapsed in the accused box. Within hours Inspector Vijayan slammed a defamation case against her for an interview she had given to Asianet TV. Since there was nobody to take her on bail, Fauziya had to return to the same cell.

That was the first time.

The second release was on December 11, 1996. On that day the magistrate discharged her from the defamation case. Once again she was free and could have left for Maldives. But the state government clamped an undeclared emergency on her by invoking the National Security Act. The detention was for one year.

It is now over. She is again free. Once again. The drama is over. The spy lie stands exposed. The victim is free.

Before she left the prison a few inmates gave her some chocolates. She tasted one. She gave the jailer one, the warden one. And one each to the policemen who used to accompany her to different courts during the past three years. She kept one, a slab chocolate with blue and gold stripe wrapper, safe inside her purse.

For her little Zila.

From the prison she was escorted to the Police Commissioner of Ernakulam. He formally informed her that she was free and could go anywhere. He allowed her to make an international call to Maldives using his office phone. She was so excited that she forgot her residence number. Somehow her cousin's number flashed through her mind. She wired her cousin. She got her number. 00960 327433.

She heard the voice she had missed so long. Nasiha. She couldn't say anything. She just cried. It was suffering. It was happiness.

That night she was taken to a convent. She couldn't sleep. She feared the excitement would end the next morning.

The next morning a police constable came to the convent and asked Fauziya to meet the Commissioner. She thought her worst fears were going to come true and that she would be arrested all over again. The constable put her in a three-

wheeler and asked the driver to take her to the Commissioner's office.

"How can I," she asked, "go alone?"

"You are free," he told her.

As the three-wheeler started moving, she realised that she was free. And alone. Fear gripped her. She put her hands on the shoulder of the auto driver. She held him tight.

At the Commissioner's office she made a strange request. "I want police protection."

Three years of consternation had made her psyche fearful of the idea of freedom.

Epilogue

APRIL 29, 1998.
The Supreme Court of India quashed the order for further investigation as "patently invalid and unsustainable in law."

The Bench ripped the democratic facade of the elected Kerala government. "Even if we were to hold that the state government had the requisite power and authority to issue the impugned notification, still the same would be liable to be quashed on the ground of mala fide exercise of power."

Justice M.K. Mukherjee and Justice Syed Shah Mohammed Quadri then gave the judicial whack. "From the above facts and circumstances we are constrained to say that the issuance of the impugned notification does not comport with the known pattern of a responsible government bound by rule of law. This is undoubtedly a matter of concern and consternation. We say no more."

Even after being slapped on the face in public by the Supreme Court, the Marxist-led Kerala government seems to be in no mood to accept their guilt. Chief Minister E.K. Nayanar and the Left Democratic Front Convenor V.S. Achuthanandan, both Politbureau members of the CPI (M), have aired a new theory that the judgement didn't come in their favour because the Central government didn't handle the case properly. The comrades seem to overlook the fact that the case came up before the Supreme Court during the time of the United Front government at the Centre, remote controlled by the CPI (M).

Why did an elected government go to such an extent in sabotaging the rule of law? The answer lies in two separate confidential reports the CBI had submitted to the Central government and the State government detailing the illegal

and criminal activities done by the IB and Kerala Police, respectively.¹

The reports are virtual chargesheets. They demand action. Many heads would roll if action is taken. The chopped-off heads would then be forced to tell the untold story which would be too shocking for the powers that be and the powers that control the powers that be.

It is naive to believe that the government would bring to book the offenders. Somebody has to move the court against the government. The victims should not merely strive to erase the trauma from their mind. They have to take the lead to correct the system which has ravished them. The judgement of the Supreme Court is a sound platform from where they can transform the silence of the lambs to the roar of a lion. If not, the offenders would go scot free, which would enable them to continue to wreck the life of many an innocent people. That should not happen. Enough is enough.

* * *

History repeats itself, first as farce, then as tragedy.

When *Desabhimani*, the CPI (M) organ, flashed the scoop of a Maldivian 'spy' who had established links with the 'spies' in ISRO, it was a farce.

The CPI (M)-led government's attempt to sidetrack the razor-like strictures passed by the Supreme Court against its malafide motives to 'further investigate the case' constitutes a tragedy.

That the Communist leaders, who blame American imperialism even when somebody farts a bit aloud, couldn't see the hands of the master operator in fabricating the ISRO spy case is a farce.

The comrades carrying the defecation of the master operator as a gold mine is a tragedy.

That two senior IPS officers, Siby Mathew and V.R. Rajivan, who collaborated with the IB sleuths to fabricate evidence against six innocent persons, helping in the process the American space marketing lobby craft an espionage story to sabotage Indian space programme, have come to no harm, is a farce.

The nation honouring the same Siby Mathew and V.R. Rajivan with the President's medal for meritorious service on the eve of the 51st year of Independence is a tragedy.

I say no more.

NOTE

1. Letter No: 2782/3/11 (S) 94—SIU V/SIC—III dated June 3, 1996 to the Secretary, Ministry of Home Affairs, Government of India and Letter No: 2783/3/11 (S) 94—SIU V/SIC—III dated June 3, 1996 to the Chief Secretary, Government of Kerala.

Document 1

CBI REPORT ON THE ROLE OF CERTAIN OFFICIALS OF INTELLIGENCE BUREAU IN THE INVESTIGATION OF ISRO ESPIONAGE CASE (EXCERPTS)

The CBI investigation has disclosed that even before the arrest of accused Mariam Rasheeda on 20.10.94, Kerala Police had requested the IB officials for assistance in questioning accused Mariam Rasheeda and, in fact, certain IB officials had interrogated Mariam Rasheeda from 16.10.94 onwards. After police custody remand of accused Mariam Rasheeda was obtained, Shri Mathew John, Jt. Director, SIB, deputed Shri R.B. Sree Kumar, D.D., SIB; C.R.R. Nair, Asst. Director; G.S. Nair, DCIO; K.V. Thomas, DCIO; and M.J. Punnen, DCIO and others, for interrogation. Shri P.S. Jaiprakash, ACIO-I, Cochin, Sri C.M. Ravindran, Dy. Director, SIB, Bombay and Shri V.K. Maini, DCIO, IB Headquarters, Delhi, and others were also deputed for interrogation of the accused. The aforesaid IB officers interrogated accused Mariam Rasheeda and other accused persons from time to time who were under custody of Kerala Police. Based on the notes taken by the interrogators, the interrogation reports were compiled. Four such reports in respect of accused Mariam Rasheeda, Fauziya Hassan, Sasikumaran and Chandrasekhar were made available to CBI by the IB, when the case was taken over by CBI on orders of Govt. of India. (Para 5)

After CBI took over the investigation, the six accused persons were taken on police custody remand and questioned in detail mostly based on the Kerala Police and IB's information. They completely denied their involvement in any espionage activities and stated that they were innocent. When they were confronted with the statements, as recorded by Intelligence Bureau officials, they stated that the statements were made under duress on suggested lines. The statements of the accused persons were scrutinised. The scrutiny revealed that though the accused had made incrimi-

nating statements admitting their involvement in taking out drawings/documents of different technologies of ISRO and having passed on the same to foreign agents for monetary considerations, the statements were very incoherent and full of contradictions. The statements were found to be bereft of the details of specific documents allegedly secreted out by the accused. (Para 6)

The Director, IB, issued a number of UO notes to the Cabinet Secretary, Home Minister, Principal Secretary to Prime Minister, Home Secretary and other high functionaries of the Govt. of India in this regard. In his UO Note No. 303/DIB/DESP/94 Dt. 21.11.1994, the DIB mentioned that based on the disclosures of Mariam Rasheeda and Fauziya Hassan, DGP, Kerala, had been requested to enlarge the structure of the case registered against Rasheeda and Fauziya u/s 3 and 4 of the Official Secrets Act. In the enclosure to this note, the DIB mentioned that the allegation that MTAR Ravinder Reddy is closely related to the Chief Minister, Andhra Pradesh, and has business dealings with Shri Prabhakar Rao, (son of the former Prime Minister of India), needs to be verified discreetly. In his subsequent UO Note No. 9/ESP (U)/94 (3)-II-309 Dt. 28th Nov., 1995, the DIB mentioned that the DGP, Kerala, has to be advised immediately to bring Shri Raman Srivastava, IGP, Kerala, in the ambit of the case and that sanction of the Govt. will be required to take Srivastava into custody as he is a member of the Indian Police Service. However, either in this UO note or in the subsequent notes, the DIB did not spell out the evidence available on record against Shri Srivastava. It is also not known as to under what law the sanction of the Govt. of India was required to arrest Shri Srivastava, if at all he was to be arrested, based on material evidence against him. In a subsequent UO note dated December 1st, 1994, the DIB mentioned that Shri Srivastava had in fact, emerged as the most important member of the inner group. The note further mentioned that he (Raman Srivastava) even established a consortium with Chandrasekhar and Nambi Narayanan to set off large business ventures. (Para 7)

However, in this UO Note No. 334/DIB/DESP/94 Dt. Dec. 22, 1994, the DIB observed as under:

"Raman Srivastava, IGP, Trivandrum, is being examined and his movements etc. are being checked up. Although, both Mariam Rasheeda and Fauziya Hassan had repeatedly mentioned his name in their earlier statements, there is some doubt about the correct photo identification of this officer by these two women. Mariam and Fauziya have, however, maintained that the name of Raman Srivastava was mentioned to them by Chandrasekhar. It is being examined if Sasikumaran and

Chandrasekhar have deliberately highlighted his name." (Para 8)

As regards the role of MTAR Ravindra Reddy, the DIB in the aforesaid note further went on to say that "the allegation that one MTAR, Ravindra Reddy, a scientist of ISRO, was closely related to the CM of Andhra Pradesh, and has business dealings with Prabhakar Rao has not been substantiated. Prima facie, there is nothing against this Ravindra Reddy in this case." (Para 9)

It is crystal clear that the DIB first issued UO notes to the highest functionaries in the Govt. of India indicating involvement of Raman Srivastava, MTAR Ravindra Reddy and others and subsequently negated his own version given in the earlier notes. It is also important to note that there is no person called MTAR Ravindra Reddy. In fact, the real name of the person is Shri P. Ravindra Reddy who is the Managing Partner of a firm called **Machine Tools Aids and Re-conditioning (MTAR)**, located at Balangar, Hyderabad. He is not an ISRO scientist.

Investigation has further disclosed that Shri Prabhakar Rao, s/o Shri Narasimha Rao, Prime Minister of India, had no business dealings whatsoever with Ravindra Reddy. Shri Reddy was examined in this regard and he has categorically denied having any business dealings with Shri Prabhakar Rao. (Para 11)

Despite the above, the DIB sent several UO notes referred to above to important functionaries, little realising that those notes from the Director, IB, would be treated as authentic and having been sent after careful verification and consequences of report being false or untrue would be serious. (Para 12)

During the course of investigation the CBI recorded the statements of several police officers handling the matter including Inspector Vijayan. He has stated that the case against Rasheeda was registered after consultation with the Commissioner of Police and the CP had informed Shri Srivastava, IGP accordingly. The police custody remand of Rasheeda was sought as her diary indicated that she was collecting information about anti-Gayoom plot and for this purpose the help of IB was sought. *Shri Vijayan has stated that after the IB came into the scene they physically took over Rasheeda from the Kerala Police and kept her separately in CRPF Guest House and took charge of the interrogation.* He has further stated that on 4.11.1994 the IB wanted the local police to be kept out of all the activities including interrogation whereafter he was also asked to go out of the room. He has recorded this in the case diary Dt. 4.11.1994. (Para 19)

Smt. Ammini Kutty, SI has stated that she was on security

duty of Rasheeda who was under interrogation by a team of IB officials and that after 2-3 days of interrogation, *the IB officials told Rasheeda, in her presence, that if she (Rasheeda) did not tell the truth she would be stripped naked and would be made to lie on ice and insects would be thrown on her body.* However, she does not identify the IB officials who threatened Rasheeda. *She has further stated that the IB officials gave Srivastava's photograph to Rasheeda and asked her to see the photograph for half an hour. Thereafter they brought another 4 photographs and kept Srivastava's photograph in the set and asked Rasheeda to identify the photograph which she did as suggested. This clearly is a questionable, illegal and unprofessional method adopted by the IB officials to get Srivastava's photograph identified under pressure.* (Para 20)

Shri G. Babu Raj SP, CID, who was a part of the investigating team of Kerala Police headed by Shri Siby Mathew, DIG was examined who, inter alia, stated that the IB did not share the result of their interrogation of the accused persons with the CID team. He has also stated about the various guest houses in which the accused persons were kept by the IB. Accused Chandrasekhar was kept in the Latex Guest House. When he visited the Guest House to question Chandrasekhar, he observed a bunch of hair lying in the bathroom and felt like vomiting. Chandrasekhar was under interrogation by the IB. *Importantly, he has also stated that the IB had already come to the conclusion regarding the involvement of Srivastava in the espionage case even before the case was registered and therefore he did not feel it necessary to verify the facts. He has also stated, "it was difficult on our part to digest the above conclusion of the IB but we were helpless".* He has also stated about the visit to Bangalore where he collected the photograph of Sqn. Ldr. K.L. Bhasin and on his return he had showed this photograph to Fauziya at Trivandrum, which she readily identified as being the person whom she had seen at Army Club, Bangalore and has been referring to as Brig. Srivastava. Shri Babu Raj has further stated that he was fully convinced that the person whom Fauziya had met at Bangalore along with Sharma was none other than Sqn. Ldr. K.L. Bhasin. (Para 21)

Shri Siby Mathew, DIG who was in charge of the investigating team vide his letter Dt. 16.12.1994, addressed to DGP, Kerala inter alia stated that "regarding the allegations raised against Shri Raman Srivastava, IGP, it is true that the Spl. Team has not conducted investigation in that direction. During the discussion with officers of IB at the office of DGP (Int.) and also with your goodself, I have mentioned that without some incriminating evidence, it is

highly embarrassing to enquire about the alleged role of IGP. The officers of IB have not disclosed the grounds for the allegations against IGP. However, I had requested for transferring the case to CBI even earlier through my written communication dt. 30.11.1994." In the aforesaid letter Shri Mathew has further stated that the investigating team could not have been a source of leakage to the Press in as much as the diary of Rasheeda was got translated from her native language to English by the IB and this translation was not available with him when the contents of the diary was leaked out to the Press. (Para 22)

During the course of investigation, statement of Shri Mathew John, JD, SIB, Trivandrum was recorded who stated that on the request of the Kerala Police, the IB got involved in the interrogation of Rasheeda. He, however, could not recollect the names of all the IB officers who were detailed for assistance in the interrogation but he did name Sree Kumar, DD, SIB and some other subordinate officers. After going through the Interrogation Reports, he used to communicate the essence of important disclosures to his senior officers. He has further stated that the decision to arrest the accused persons was that of Kerala Police alone. He has also stated that he had sent a message to the IB Hqs. Delhi, expressing the view that the facts disclosed by the accused persons were a mixture of truths, half-truths and falsehood. He denied having personally questioned any of the accused persons. *He has also stated that the involvement of Srivastava, IGP, was highlighted by the media but he did not take steps to verify the disclosures of the accused persons nor questioned Raman Srivastava in this regard. He has also stated that though the name of Srivastava figured in the interrogation reports (IRs) of Fauziya and Rasheeda, the exact identity of Srivastava had not been established.* He has denied having instructed his subordinates to fix up the identity of Raman Srivastava by showing his photograph to the accused. He has also stated that the IB did not have any further information on Srivastava other than the one disclosed in the Interrogation Reports of the accused persons. (Para 23)

Shri Sree Kumar, the then DD, SIB, Trivandrum, has stated that the IB offered to assist the Kerala Police in the interrogation of the foreign nationals at the request of the former. He has stated about his association in the interrogation of the accused persons with a team of his officers. Whatever was stated by the accused persons was jotted down and a consolidated report prepared in the evening. However, it was unsigned. He has denied that IB officers had asked Inspector Vijayan to keep off from the interrogation. He has denied that he was in any way concerned with the preparation of the video tapes of the interrogation of accused per-

sons. He has also expressed inability in identifying the officers of SIB or IB Hqrs. involved in the preparation of the video tapes. He has also declined to vouch-safe the genuineness or truthfulness of the video tapes because he had not seen them. In his statement he has admitted that the IB does not have the legal authority to examine the accused when they are in the custody of the police authority. He has also denied that either he or any of his officers in his presence showed Srivastava's photograph to Fauziya or Rasheeda. He has also categorically stated that the disclosures made by the accused persons were not verified by the IB. (Para 24)

Shri C.M. Ravindran, the then DD, SIB, Bombay, who was associated with the interrogation of Rasheeda has stated that till he was in Trivandrum interrogating accused Rasheeda, no espionage angle came to his notice. He had prepared a report in his regard and submitted to Shri John Mathew, JD, IB. (Para 25)

Statements of Shri C.R.R. Nair, AD, IB, Jai Prakash, ACIO I, SIB, Trivandrum, M. John Punnen, ACIO I, SIB, G. Nair, DCIO, SIB, K.V. Thomas, DCIO, SIB, Trivandrum, were also recorded, who stated about their involvement in the interrogation of accused persons arrested by the Kerala Police but, significantly, none of them admits that he had showed Srivastava's photograph to Fauziya or Rasheeda. They also did not identify any IB officers(s) who prepared video films of the interrogation of the accused persons. (Para 26)

During investigation, the following acts of commission and omission on the part of Intelligence Bureau officers have come to notice:

(i) Immediately after the police custody of accused Mariam Rasheeda was obtained on 3.11.94, they physically took over the accused from the lawful custody of the Kerala Police and disassociated Inspector Vijayan, IO of the case, from further interrogation of accused Mariam Rasheeda. Similarly, they took over the custody of the other accused who were subsequently arrested by Kerala Police and interrogated them but did not apprise the Kerala Police officers about the revelations allegedly made by the various accused persons. Thus, the IB officers conducted interrogation in a hush hush manner, totally dissociating the Kerala Police, for reasons best known to them.

(ii) During interrogation, they tortured/ill-treated at least three accused persons, namely, Mariam Rasheeda, Chandrasekhar and Nambi Narayanan. The fact of ill-treatment of Mariam Rasheeda is proved from the statement of Shri Vijayan, Inspector and Ms. Ammini Kutty, SI. Nambi Narayanan and Chandrasekhar were given medical treatment on 28.11.94 and 3.12.94, respectively, which is indicative of the torture meted out to them.

(iii) IB officers interrogated Nambi Narayanan as well as S.K. Sharma but did not prepare the interrogation reports in respect of them. It appears that their statements were not recorded as they did not toe the line suggested by the IB officials.

(iv) The reports in respect of four accused persons, namely, Fauziya, Rasheeda, Chandrasekhar and Sasikumaran, are undated and unsigned, due to which it has not been possible to fix up the identity of the particular IB officers who prepared the interrogation reports and resultantly, it could not be ascertained as to on what basis such interrogation reports were prepared.

(v) The interrogations of accused Fauziya Hassan, Chandrasekhar and Sasikumaran were videographed by IB officers and the tapes were produced in the Kerala High Court but none of the above officers during their examination admitted having videographed the interrogation of the aforesaid accused. Nor did they reveal the name of the IB officer who videographed the interrogations. What is surprising is that even the Joint Director, IB, who was overall incharge of interrogations, has failed to identify such officers and the Dy. Director, IB, states that he was unaware of videography.

(vi) The IB officers did not conduct verification about the veracity of the statements of the accused persons for reasons best known to them. If they had done so properly as any professional, specialised agency would do, the air would have been cleared long time ago and the honour of respectable scientists could have been saved.

(vii) In the interrogation report of Sasikumaran and Chandrasekhar, IB has given details of various meetings in which besides the accused, IGP Raman Srivastava also participated. But, on the other hand, the IB did not share with Kerala Police the basis of allegations against Raman Srivastava, as is evident from the letter dt. 16.12.94 of Shri Siby Mathew, DIG, Crime, addressed to DGP, Kerala.

(viii) In the interrogation report of accused Sasikumaran as recorded by IB, it was Nambi Narayanan who was taking out documents from LPSC, Valiamala, and other installations of ISRO, but, strangely enough, the IB officers intimated Kerala Police that nothing was likely to be recovered from the house search of accused Nambi Narayanan as mentioned in the letter dt. 16.12.94 of Shri Siby Mathew and therefore, as stated by Siby Mathew, Kerala Police did not conduct search of the residence of Nambi Narayanan. This is indicative of the haphazard way of handling this investigation by the IB officers.

(ix) Shri Mathew John, Joint Director, IB, had sent a message

dt. 25.11.1994, to Director, IB, stating therein that the disclosures made by the accused persons were a mixture of truth, half-truth and untruth. *It is, thus, clear that even the senior officer of IB suspected that the revelations made by Shri Chandrasekhar were not worthy of credence. Notwithstanding this, the IB officials on the spot did not conduct verification of the disclosure allegedly made by the accused. If they had made the verifications at that time, arrests of innocent persons could have been avoided.*

(x) The interrogation reports as recorded by IB officers are incoherent and full of contradictions and do not give the exact nature of documents which were allegedly passed on to foreign agents. Rather, they have blandly recorded that the drawings/documents of Viking engine and Cryogenic engine were secreted out. Further, they failed to reconcile the statements as the statements contradict each other on several points. (Para 28)

The above mentioned facts show that the aforesaid IB officials comprising the team enquiring into ISRO case, acted in an unprofessional manner and were privy to the arrest of six innocent persons, thereby causing them immense mental and physical agony. The senior officers who were supervising and monitoring the enquiries under reference, particularly, Shri Mathew John, Jt. Director and Shri R.B. Sree Kumar, failed in their duty to conduct the inquiry in an objective and fair manner. At the IB Hqrs. the UO notes referred to herein-above were prepared based on these interrogation reports and without verification leading to serious complications including casting doubts on the integrity of two top ISRO scientists who were responsible for developing the PSLV project and launching our country into the space. (Para 29)

Document 2

CBI REPORT ON THE ROLE OF CERTAIN OFFICIALS OF KERALA POLICE IN THE INVESTIGATION OF ISRO ESPIONAGE CASE (EXCERPTS)

Immediately after the arrest of accused Rasheeda various news items were published in the Press from 21.10.94 onwards alleging that Rasheeda had been arrested for espionage activities as she and Fauziya were in contact with Sasikumaran, an ISRO scientist, and that they were secreting out the documents relating to PSLV project, cryogenic engine, rocket engine etc. The involvement of Shri Raman Srivastava, IGP was also suspected as per the news items. In spite of the lingering suspicions about the conduct of Rasheeda and Fauziya harboured by Kerala Police and the IB officials and the fact that the local Press was playing up the issue and even the name of Raman Srivastava, IGP, was also being linked up with this episode, no immediate steps were taken by the Kerala Police to register a case under the Official Secrets Act and effect arrest of accused persons, or conduct searches to recover the secret documents and the money, if any, received by the accused as a consideration for having passed on the documents/secrets, or to keep a watch on the activities of the suspected persons. *Though till 12.11.1994, no evidence had come on record about any espionage activities, Inspector Vijayan of Special Branch lodged a report with Vanchiyoore police station on 13.11.1994 that Rasheeda and Fauziya, in collusion with certain Indians and foreign nationals, had taken part in activities against the sovereignty and integrity of India and indulged in activities prejudicial to the cordial relations which India had with its neighbours. Even though Inspector Vijayan did not specify any precise activity committed by the accused, the case Crime No. 246/94 under the Official Secrets Act was registered and six accused persons were arrested from time to time as indicated earlier. (Para 5)*

During investigation, the acts of omission and commission on the part of following Kerala Police officers have come to notice.

1. Shri S. Vijayan, the then Inspector, Special Branch, Trivandrum City

(i) He questioned Mariam Rasheeda and Fauziya Hassan, when they had approached him for getting the necessary permission for stay beyond 90 days in respect of Mariam Rasheeda. He advised Mariam Rasheeda to get a confirmed ticket for her return. Accordingly, she purchased Indian Airlines ticket Ex. Trivandrum—Male (W/L) and another OK ticket of Srilankan Airlines Ex. Trivandrum—Colombo for 17.10.94. Shri Vijayan, however, kept with him the tickets of Mariam Rasheeda unauthorisedly and on 20.10.94, arrested Mariam Rasheeda at 4.15 P.M. and lodged a complaint with PS Vanchiyoore on the basis of which an offence u/s 7 of Foreigners Order, 1948 r/w 14 of the Foreigners Act, 1946 was registered. *The seizure of the tickets was not shown even after the registration of the case and, thus, he caused obstruction to Mariam Rasheeda's return to Male on 17.10.94.*

(ii) He took over the investigation of Case Crime No. 225/94, PS Vanchiyoore on 3.11.94 and he was entrusted with the police custody of Mariam Rasheeda from 3.11.94 to 14.11.94, by the Hon'ble CMM, Trivandrum. *But he willfully surrendered the custody of accused Mariam Rasheeda to IB officials in contravention of the Court orders and caused the IB officials alone interrogating accused Mariam Rasheeda and torturing her.* Shri Vijayan has recorded in his several case diaries that the IB officials asked him to get out of the room and therefore he had to leave the room leaving the accused lady to the male officials of IB. *He is, thus, liable for dereliction and abrogation of legal duties.*

(iii) On 9.11.94, Mariam Rasheeda disclosed about her contacts with accused Sasikumaran and Chandrasekhar of Bangalore. Inspector Vijayan took no steps to question immediately either Sasikumaran or Chandrasekhar and to confront them with Mariam Rasheeda so as to bring out the truth, especially in the context of wide media coverage from 22.10.94 onwards alleging espionage activities.

(iv) The basis of his deduction that Mariam Rasheeda and Fauziya Hassan had come to India for espionage purposes has not been brought out on record by him. During investigation, he did not collect any information about any particular espionage activity committed by the accused. Despite this, he preferred to lodge a report at PS Vanchiyoore on 13.11.94 that Mariam Rasheeda

and Fauziya Hassan had committed activities prejudicial to the sovereignty and integrity of the State. The main grounds mentioned in the FIR for allegation of espionage is that Mariam Rasheeda contacted Sasikumaran several times and that she had made lot of entries in her diary which was seized by them. Verification of these telephone calls and a translation of the diary entries would have confirmed that they had nothing to do with ISRO or espionage. *Without any verification, Inspector Vijayan asked in haste to lodge an FIR on allegations of espionage. Inspector Vijayan, thus, acted in an unfair and unprofessional manner, thereby causing avoidable harassment and sufferings to the accused persons.*

(v) While accused Mariam Rasheeda was in his personal custody, he allowed the IB officials to ill-treat her and even he himself threatened Mariam Rasheeda of dire consequences.

(vi) In his statement u/s 161, he admitted having shown photograph of IG Raman Srivastava to Mariam Rasheeda. But strangely enough, he did not bring this fact on record. Nor did he bring on record the rationale of why only Raman Srivastava's photograph was shown to Rasheeda. *This shows malafides and lack of professional integrity on his part.*

2. Shri K.K. Joshuva, the then DSP, CB, CID, Trivandrum

He was drafted in the Special Investigation Team which took over the investigation of Case Crime No. 225 and 246 of 1994 of PS Vanchiyoore on 15.11.94. That very day, he was assigned the job of preparing the case records.

(i) In his case diary dated 16.11.94, he recorded that both accused Fauziya Hassan and Mariam Rasheeda admitted that they came to India to collect vital information for some agents of alien countries and that they contacted Sasikumaran, scientist of LPSC, Vallamala and Chandrasekhar of Bangalore and others and collected valuable information and passed on the same to foreign countries. However, he did not record the statements of accused on 16.11.94. Neither did he mention the details of the alleged valuable information.

(ii) Assuming that it became known to him on 16.11.94 that valuable information had been passed on to foreign countries, he took no immediate steps to recover any incriminating documents by way of conducting the house searches of Sasikumaran and Chandrasekhar. It may be mentioned that their names had figured even during the course of investigation of Crime No. 225/94.

(iii) It is on record that the interrogation of accused Fauziya Hassan, Chandrasekhar and Sasikumaran was videographed by IB but the same has not been indicated in the case records in

spite of the fact that the custody of the accused was with the Kerala Police.

(iv) Though it has been brought on record that the accused were interrogated by IB officials, no interrogation report, whatsoever, prepared by the IB was taken on record by him. Nor did he verify the allegations contained in the statements.

(v) The statement of accused S.K. Sharma has been recorded on 3.12.94 but the corresponding CD has not been issued by Shri K.K. Joshuva.

(vi) The accused during questioning by CBI have stated that they were mentally and physically tortured during police custody as a result of which, they had to make statement on suggested lines. The investigation also disclosed that accused Nambi Narayanan and Chandrasekhar were given medical treatment while in police custody on 3.12.94 and 28.11.94, respectively. However, the fact of medical treatment given to the accused has been suppressed from the case diaries and case records by DSP K.K. Joshuva.

(vii) Accused Chandrasekhar in his statement dt. 28.11.94 had allegedly stated that IGP Raman Srivastava attended the meeting at International Hotel, Madras on 22/23.1.94 and subsequently attended a meeting at Indira Nagar Club, Bangalore in September, 1994. Shri Joshuva took no steps either to question Shri Raman Srivastava or check the official records which were available to ascertain the movements of Raman Srivastava which tantamounts to dereliction of his duties.

(viii) On the one hand, Kerala Police was suspecting espionage activities and, on the other hand, they delayed the conduct of house searches etc. to recover incriminating documents, if any, which is clear from the fact that the house and office search of accused Sasikumaran at LPSC, Vallamala were conducted on 30.11.94 in spite of the fact that the accused has been arrested by them on 21.11.94. There is nothing on record to justify such a delayed search. Similarly, though Nambi Narayanan was arrested on 30.11.1994, house search was not conducted till the case was handed over to the CBI on 4.12.1994.

(ix) The house search of Shri Mohana Prasad, (a scientist of LPSC, Vallamala) as mentioned in letter dated 16.12.94 of Shri Siby Mathew has not been reflected in the case records of Shri K.K. Joshuva.

3. Shri Siby Mathew, DIG, Crime

(i) Shri Siby Mathew was heading the Special Investigation Team and was, therefore, fully responsible for the conduct of investiga-

tion in the aforesaid two cases. Investigation conducted by the CBI has revealed that he did not take adequate steps either with regard to the thorough interrogation of the accused persons by the Kerala Police or verification of the so-called disclosures made by the accused persons. *In fact, he left the entire investigation to IB, surrendering his duties.* He ordered indiscriminate arrest of the ISRO scientists and others without adequate evidence being on record. It is stressed that neither Shri Siby Mathew and his team recovered any incriminating ISRO documents from the accused persons nor any money alleged to have been paid to the accused persons by their foreign masters. *It was unprofessional on his part to have ordered indiscriminate arrests of top ISRO scientists who played a key role in the successful launching of satellites into space and, thereby, caused avoidable mental and physical agony to them.*

(ii) Shri Siby Mathew sent a report vide his letter dated 16.12.94 to DGP, Kerala, stating therein that it was embarrassing for him to conduct further investigation into the alleged role of Raman Srivastava, IGP in this episode as even the IB had not enlightened him about the grounds on which they were suspecting Raman Srivastava's involvement. Being a senior officer he should have verified the facts from all possible angles and conducted investigation in a professional way and thereafter taken a clear and firm stand on the role of Raman Srivastava. It is unfortunate that he allowed the doubts and suspicions in the mass media and the public mind to linger on without conducting proper verification.

(iii) While handing over the case records to the CBI, Shri Mathew in his CD dated 4.12.94 recorded that CBI should conduct investigation on certain points, namely, the office and house search of Nambi Narayanan; verification of investments made by the accused persons with Thomas Kurisinkal of Cochin; fixing up the identity of Brigadier also known as Coatwala; nature of secret documents alleged to have been secreted out by Mehboob Pasha/Mohiuddin and verification of the records of Hotel Madras International, regarding the stay of the accused persons therein on 24/1/1994 etc. It is important to mention that Shri Mathew took over the charge of the cases on 15/11/94. The case continued with him till 4th of December 1994. Thus, the case remained with him for about 20 days. It is surprising that he did not take any steps at his own level to conduct investigation on the points suggested by him. Since Shri Mathew was based at Trivandrum there was no justification for not having the searches conducted in the official/residential premises of accused Nambi Narayanan, though Nambi Narayanan was arrested by the Kerala Police on 30.11.1994.

Even though accused Sasikumaran was arrested on 21/11/94, his house search was conducted on 30/11/94 i.e., after 7 days, for which there is no justification. *This shows lack of professionalism on his part.*

(iv) Shri G. Babu Raj, the then SP, CB, CID, Trivandrum, in his CD dated 24/11/94 clearly recorded that the person who had accompanied Rasheeda and Fauziya to the Army Club at Bangalore in June '94, was Sqn. Ldr. K.L Bhasin. He, thus, ruled out the possibility of Shri Raman Srivastava's presence in the said Club alongwith the Maldivian ladies. The case diary is presumed to have been submitted to Shri Siby Mathew, being In-charge of the Team. It is intriguing that Shri Mathew did not take any steps to educate the media about the outcome of the investigation conducted by his team on this aspect and, thus, deliberately and intentionally allowed the rumours to float uninterrupted and thereby caused deep embarrassment to Shri Raman Srivastava. It may be added that notwithstanding the clear findings given by his own SP, Shri Mathew before handing over the case to the CBI, recorded in his CD dated 4/12/94 that further investigation is required to be conducted to firmly fix up the identity of Brigadier or Coatwala. It is not known as to why he did not enquire into this aspect himself for 20 days, when the case was being supervised by him. It is also not clear as to why Shri Mathew did not examine Raman Srivastava in this matter. *It appears that he deliberately and intentionally allowed the investigation to drift for reasons best known to him.*

(v) Shri Siby Mathew in his statement u/s 161 has admitted that photograph of Shri K.L. Bhasin was collected at Bangalore and on return to Trivandrum, the photograph of Bhasin was shown to accused Fauziya Hassan who identified the photograph of Shri Bhasin to be of the person with whom she and Mariam Rasheeda went to a place which looked like Army Club at Bangalore. However, this fact had not been brought on record.

(vi) *Shri Siby Mathew and his team miserably failed even in conducting verification of the records of hotels viz., Hotel Fort Manor, Hotel Pankaj, Hotel Luctya etc. which were located at Trivandrum to ascertain the veracity of the statements of accused persons. Similarly, he failed to get the records of Hotel International, Madras, checked up notwithstanding the fact that the investigation remained with him for 20 days.*

The above facts are being brought to the notice of the competent authority for their kind consideration and for such action as deemed fit.

Document 3

IN THE SUPREME COURT OF INDIA CRIMINAL APPELLATE JURISDICTION CRIMINAL APPEAL NO. 489 OF 1997

K. Chandrasekhar		..Appellant
	Versus	
The State of Kerala & Ors.		..Respondents
	With	

CRIMINAL APPEAL NO. 490 OF 1997

Mariam Rasheeda		..Appellant
	Versus	
The State of Kerala & Ors.		..Respondents
	With	

CRIMINAL APPEAL NO. 491 OF 1997

S.K. Sharma		..Appellant
	Versus	
State of Kerala & Ors.		..Respondents
	With	

CRIMINAL APPEAL NO. 492 OF 1997

S. Nambi Narayanan		..Appellant
	Versus	
State of Kerala & Ors.		..Respondents
	With	

CRIMINAL APPEAL NO. 493 OF 1997

D. Sasikumaran		..Appellant
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Versus

The State of Kerala & Ors.

..Respondents

CRIMINAL APPEAL NOS. 494-497 OF 1997

1. The Director,
Central Bureau of Investigation
2. Union of India

Versus

..Appellants

The State of Kerala & Ors.

With

..Respondents

CRIMINAL APPEAL NO. 528 OF 1998
(ARISING OUT OF S.L.P. (CRL.) NO. 593 OF 1998)

Fauziya Hassan

Versus

..Appellant

The State of Kerala & Ors.

..Respondents

JUDGEMENT**M.K. Mukherjee, J.**

Leave granted in Special Leave Petition (Crl.) No. 593 of 1998.

2. These appeals have been heard together as they are directed against one and the same judgement rendered by the Kerala High Court. Facts leading to these appeals are as under:

3. On October 20, 1994, Shri S. Vijayan, an Inspector of Police, then attached to the Special Branch, Thiruvananthapuram, arrested and took into custody Mariam Rasheeda (appellant in Criminal Appeal No. 490 of 1997), who came on a visit to India from Maldives, on the allegation that even after the expiry of her visa she continued to stay in India in breach of paragraph 7 of the Foreigners Order, 1948. For the above breach a case under Section 14 of the Foreigners Act, 1946 was registered against her by the Vanchiyoar Police Station (Crime No. 225 of 1994) and investigation taken up.

4. On November 13, 1994, on the complaint of Shri Vijayan another case was registered by Vanchiyoar Police Station [Crime No. 246 of 1994] against her (Mariam Rasheeda) and Fauziya Hassan [appellant in the Criminal Appeal arising out of S.L.P. (Crl.) No. 593 of 1998] for offences punishable under Sections 3 and 4 of the Indian Official Secrets Act, 1923 ('IOS' Act for short) on the allegation that in collusion with some Indians and foreigners they had committed acts prejudicial to the safety and sovereignty of India.

5. Initially both the cases were investigated by Shri Vijayan but later on a special team of State Police Officials, headed by Shri Siby Mathew, Deputy Inspector General (Crimes), and including Shri Vijayan, was constituted to investigate into the same. In course of the investigation S. Nambi Narayanan (appellant in Criminal Appeal No. 492 of 1997) and D. Sasikumaran (appellant in Criminal Appeal No. 493 of 1997), two senior scientists working with the Indian Space Research Organisation ('I.S.R.O.' for short), S.K. Sharma (appellant in Criminal Appeal No. 491 of 1997), a labour contractor, and K. Chandrasekhar (appellant in Criminal Appeal No. 494 of 1997), an authorised representative of a Russian firm in India, (besides the above two ladies) were arrested.

6. While the investigation was in progress, Shri Mathew sent a report to the Director General of Police, Kerala on November 30, 1994 stating that the special team of State Police Officials was not adequately equipped to conduct effective investigation into the two cases and praying for appropriate orders for getting the cases investigated by the Central Bureau of Investigation ('C.B.I.' for short).

7. On receipt of the report, the Director General of Police recommended to the Government of Kerala to entrust the investigation to the C.B.I.; and accepting the above recommendation the Government of Kerala issued the following notification on December 2, 1994:

"In pursuance of the provisions of Section 6 of the Delhi Special Police Establishment Act, 1944 (Central Act 25 of 1946) the Government of Kerala hereby accord consent to the extension of powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Kerala for investigation of Crime Nos. 225/94 and 246/94 of Vanchiyoar Police Station.

(By order of the Governor)

Sd/-

C.P. Nair

Commissioner and Secretary to Govt. (Home)

EXPLANATORY NOTE

(This does not form part of the notification be—is intended to indicate its general purport.)

Two cases in Crime Nos. 225/94 and 246/94 have been registered in the Vanchiyoar Police Station under Section 7 of the Foreigners Orders, 1948 read with Section 14 of the Foreigners Act, 1946 and under Sections 3 and 4 of the Official Secrets Act,

1923 read with Section 34 of I.P.C. involving 'inter alia' charges of espionage of the accused, so far arrested, two persons are nationals of Maldives. The Director General of Police has now brought to the notice of the Government that since the incidents of this case spread over to the other States of India and foreign locations and also considering the special nature of the crimes the above two cases may be transferred to the Central Bureau of Investigation who are better equipped and also have the advantage of being a Central Police Investigating outfit. After carefully considering the request, Government have decided that the cases in Crime Nos. 225/94 and 246/94 of Vanchiyoor Police Station may be transferred to the Central Bureau of Investigation. Hence the notification."

8. Following the above notification, C.B.I. re-registered the above cases as R.C. No. 10/S/1994 and R.C. No. 11/S/1994, respectively, and took up investigation. On completion of investigation in the former the C.B.I. submitted charge-sheet (challan) against Mariam Rasheeda on December 4, 1994, which culminated in an order of acquittal recorded in her favour by the Chief Judicial Magistrate, Cochin on November 14, 1995. As regards the latter, the C.B.I. filed its report in final form under Section 173 (2) of the Code of Criminal Procedure ('Code' for short) on April 16, 1996 before the same Magistrate praying for discharge of all the accused persons as, according to it, the allegations of espionage were not proved and they were false. The report was accepted and the accused-appellants were discharged.

9. Thereafter on June 27, 1996 the Government of Kerala issued a notification withdrawing the consent earlier given to the C.B.I. to investigate Crime No. 246/94 (R.C. No. 11/S/1994). The said notification along with its explanatory note reads as under:

"In pursuance of the provisions of Section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Government of Kerala hereby withdraw their consent accorded as per notification No. 66329/SSA 3/94/Home, dated the 2nd December, 1994 for the extension of the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Kerala for investigating Crime No. 246/94 of Vanchiyoor Police Station.

By order of the Governor
M. Mohankumar
Additional Chief Secretary

EXPLANATORY NOTE

(This does not form part of the notification but is included to indicate its general purpose)

The two cases in Crime Nos. 225 of 1994 and 246/94 registered in the Vanchiyoor Police Station under Section 7 of the Foreigners Order, 1948 read with Section 14 of the Foreigners Act, 1946 and under Section 3 and 4 of the Official Secrets Act, 1923 and Section 34 of IPC, invoking charges of espionage had been transferred to CBI for investigation considering the special nature of the cases as per the Government Notification No. 66329/SSA 3/94/Home, dated the 2nd December, 1994 CR. No. 246/94 of Vanchiyoor Police Station has now been referred as not proved, and a closure report submitted to the Court by the CBI. Government consider it necessary in public interest to order a re-investigation of the case by a special team of State Police Officers. Hence this notification."

This was followed by an amendatory notification issued on July 8, 1996, which reads as under:

"In the Explanatory Note to Notification No. 27707/SSA-3/96 Home, dated the 27th June, 1996 published as Extra-ordinary Gazette No. 823 dated 6.7.1996.

(i) for the words referred as not proved occurring in the second sentence read 'referred by the CBI as not proved and false;', and

(ii) for the words "a re-investigation of the case" occurring in the third sentence read "further investigation of the case."

10. Aggrieved by the notification withdrawing the consent so as to enable a special team of State Police Officers to further investigate into Crime No. 246/94, the six accused—appellants presented separate writ petitions before the Kerala High Court in which the State of Kerala, represented by the Chief Secretary, the Secretary (Home Department), Government of Kerala and C.B.I. were arrayed as respondent Nos. 1, 2 and 3 respectively. Later on, Shri Vijayan, and K. Nandini, an Advocate, got themselves impleaded as respondents in those writ petitions. During hearing of the petitions it was, inter alia, contended on behalf of the accused-appellants that the Government of Kerala was not competent to order further investigation by its Police Officers into the allegations which had already been investigated into by the C.B.I. Accordingly, they prayed for quashing of the notification dated June 27, 1996, as amended by the notification dated July 8, 1996. In supporting the accused-appellants, the C.B.I. first submitted that as the consent given under Section 6 of the Delhi Special

Police Establishment Act ('Act' for short) fell in the category of conditional legislation, the question of withdrawal could not and did not arise for the powers conferred thereunder had exhausted themselves with the initiation of investigation by it. It next submitted that in case any further evidence surfaced, the Government of Kerala could only refer the same to the C.B.I. for it alone was competent to further investigate into the matter. By its judgement dated November 27, 1996 the High Court of Kerala dismissed the writ petitions on the ground that the matter of giving or withholding of consent under Section 6 of the Act was an executive action of the State Government and the said Act was not a piece of conditional legislation. According to the High Court, Section 21 of the General Clauses Act, 1897 applied to the notification in question and, therefore, the withdrawal of the consent by Government of Kerala could not be said to be invalid. Lastly, the Court observed that although there was no statutory requirement for the State Police to obtain permission from the Court concerned to further investigate into the matter, it should obtain such permission in view of the judgement of this Court in **Ram Lal Narang vs. State** [1979 SCC (Cri.) 479]. Summing up, the High Court recorded the following findings:

(i) The impugned notification being valid, the same cannot be quashed; and

(ii) The State Government has no jurisdiction to file a complaint before a Court in respect of any offence under Sections 3, 4 and 5 of the Act in the case.

11. The above judgment of the High Court is under challenge in these appeals filed by the Director, C.B.I., the Union of India and the six discharged accused persons.

12. We have heard the learned counsel appearing for the parties at length as also appellant Mr. D. Sasikumaran, who argued his case himself, and gone through the relevant materials on record.

13. Since it cannot be disputed—and it is not disputed before us—that a prosecution for the offences alleged against the accused persons can be instituted only by a complaint filed by or at the instance of the Central Government in view of Section 13(3) of the I.O.S. Act—and not the State Government (as rightly held by the High Court)—the only question that falls for our determination in these appeals is whether the other finding of the High Court that the notification withdrawing consent is valid, can be sustained or not. To answer this question it will be appropriate to first refer to the preamble and the relevant provisions of the Act.

14. The Act was enacted to constitute a special police force in Delhi for the investigation of certain offences in the Union Territo-

ries and to make provisions for the superintendence and administration of the said force and for the extension to other areas of the powers and jurisdiction of the members of the said force in regard to the investigation of the said offences. Section 2 of the Act entitles the Central Government to constitute such a police force, notwithstanding anything in the Police Act, 1861, to be called the Delhi Special Police Establishment, for the investigation of offences notified under Section 3. The members of the said establishment of or above the rank of Sub-Inspector are empowered, subject to any order which the Central Government may make in this behalf, to exercise any of the powers of the officer in charge of a police station in the area in which he is for the time being, and when so exercising such powers shall, subject to any such orders as aforesaid, be deemed to be an officer in charge of a police station discharging the functions of such an officer within the limits of his station. Section 3 empowers the Central Government to specify the offence or offences or classes of offences which are to be investigated by the Delhi Special Police Establishment i.e., C.B.I., by issuing notifications in the Official Gazette. Under Section 5, the Central Government can extend the powers of the Delhi Special Police Establishment to any other part of the country for the investigation of any offences or classes of offences specified in a notification issued under Section 3. Once such an order is made under sub-section (1) of Section 5 the members of the establishment shall be deemed to be the members of the police force of the extended area and will be vested with powers, functions and privileges and be subject to the liabilities of a police officer belonging to that police force. Under sub-section (3) thereof the members of the Delhi Special Police Establishment of or above the rank of Sub-Inspector shall also be deemed to be an officer in charge of that extended area while exercising such powers. However, in view of Section 6, the powers and jurisdiction conferred under Section 5 can be exercised in the extended area only with the consent of the Government concerned.

15. Mr. Altaf Ahmad, the learned Additional Solicitor General, appearing for the C.B.I. and Union of India (the appellants in Criminal Appeal Nos. 494-497 of 1997), submitted that the High Court failed to appreciate that Section 21 of the General Clauses Act had no manner of application in the instant case. In expanding his submission Mr. Altaf Ahmad argued that the Act being a piece of conditional legislation the action taken or power exercised under Section 6 thereof was not reversible and, consequently, the question of applying the provisions of Section 21 of the General Clauses Act, which pertains to action taken or power exercised, which is reversible, could not arise. According to Mr. Altaf Ahmad,

the power conferred on the State Government under Section 6 of the Act exhausted itself once it was exercised by granting consent and nothing was left of it and resultantly, when the investigation was undertaken by C.B.I. pursuant thereto, by invoking Section 5 of the Act, it could not be rolled back by withdrawal, by the impugned notification. In other words, according to Mr. Altaf Ahmad, the power under Section 6 of the Act having exhausted itself nothing remained for reversing the exercise of such a power.

16. Mr. Salve, appearing for S.K. Sharma (the appellant in Criminal Appeal No. 491 of 1997), first drew our attention to a notification being No. 7/5/55-AVD dated November 6, 1956 issued by the Government of India in exercise of its power conferred by Section 3 of the Act, specifying the offences and classes of offences to be investigated by Delhi Special Police Establishment (which include offences under the I.O.S. Act, 1923) and a letter dated December 14, 1956 addressed by the Chief Secretary of Government of Kerala to an Under Secretary of the Government of India, intimating that the Government of Kerala had accorded their consent for the members of the Delhi Special Police Establishment exercising powers and jurisdiction within the State of Kerala in respect of the offences specified in the above notification, and submitted that the notification dated December 2, 1994 granting consent (and for that matter withdrawal thereof) only for investigating into Crime No. 246/94 was redundant for by virtue of the earlier letter of general consent, the C.B.I. was competent to investigate into all offences mentioned in the notification dated November 6, 1956 including the offences in question. His main submission, however, was that once a consent was given by a State Government empowering the C.B.I. to investigate into an offence, the former could not withdraw the same. In support of this contention he relied upon the judgment of this Court in **Kazi Lhendup Dorji vs. Central Bureau of Investigation** [1994 Supp (2) SCC 116]. His last submission was that the withdrawal of the consent was clearly a mala fide action on the part of the Government of Kerala. To bring home this contention, he relied upon certain facts and circumstances appearing on record, to which we will refer at the appropriate stage.

17. The learned counsel appearing for the other accused-appellants, and appellant D. Sasikumaran adopted and reiterated the submissions made by Mr. Altaf Ahmad and Mr. Salve.

18. In refuting the above contentions, Mr. Shanti Bhushan, the learned counsel appearing for the State of Kerala along with its Advocate General, submitted that the Act only enables C.B.I. to investigate into offences specified as contemplated by Section 3, but does not in any way take away the right of the State Police to

investigate into those offences. He pointed out that the offences for which notifications have been issued under Section 3 include offences under Sections 380 and 411 I.P.C. and submitted that it would be absurd to suggest that the State Police was denuded of its powers to investigate into those offences in accordance with Chapter XII of the Code merely because the C.B.I. has been empowered to investigate into those offences. In elaborating this contention he submitted that the power to investigate a cognizable case is conferred on the officer-in-charge of a police station under Section 156 (1) of the Code (appearing in Chapter XII) and in exercise thereof he can investigate any such case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII. He drew our attention to Chapter XIII (which relates to the jurisdiction of the criminal courts in inquiries and trials) of the Code and argued that Sections 177 to 184 appearing therein would show that more than one Court have territorial jurisdiction to inquire into and try the same offence. By way of illustration he made a particular reference to Section 183 to contend that if a murder was committed in a train all the Courts, having territorial jurisdiction in the areas through which the train was passing, would be competent to try the offence. That, according to him, necessarily meant that each one of the Officers-in-Charge of the police stations through which the train passed would be competent to investigate the offence of murder in view of the plain language of Section 156 (1) of the Code or none of them could claim any exclusive jurisdiction to investigate. Of course, he added, if on the filing of charge-sheets on completion of their respective investigations, Courts in different States took cognizance of that offence the High Court would have to decide under Section 186 of the Code as to which of those Courts would try the offence. He contended that Section 186 of the Code clearly demonstrates that while the law does not contemplate parallel trials for the same offence in different Courts it does clearly envisage parallel or simultaneous investigations of the same offence by police officials of different States. He reiterated that since the law does not prohibit simultaneous investigation by different investigating agencies into the same offence if each one of them has been conferred powers of investigation, the issuance of an order under Section 5(1) of the Act along with the consent of the State Government under Section 6 thereof would only mean that the officers of the C.B.I. can also investigate into that offence. To buttress his contention he drew our attention to the judgment of this Court in **A.C. Sharma vs. Delhi Administration** [(1973) 1 SCC 726]. In that case the following question came up for consider-

ation (as formulated by this Court in paragraph 6 of the judgment):

"The short but important question with far reaching effect, if the appellant's contention were to prevail, requiring our decision is, whether with the setting up of the Delhi Special Police Establishment, the Anti Corruption Branch of the Delhi Police had been completely deprived of its power to investigate into the offences like the present or whether both the DSPE and the Anti Corruption Branch had power to investigation it being a matter of internal administrative arrangement for the appropriate authorities to regulate the assignment of investigation of cases according to the exigencies of the situation."

19. After referring to the scheme of the Act and its different provisions the Court answered the same as under:

"The scheme of this Act does not either expressly or by necessary implication divest the regular police authorities of their jurisdiction, powers and competence to investigate into offences under any other competent law. As a general rule, it would require clear and express language to effectively exclude as a matter of law the power of investigation of all the offences mentioned in this notification from the jurisdiction and competence of the regular police authorities conferred on them by Cr. P.C. and other laws and to vest this power exclusively in the D.S.P.E. The D.S.P.E. Act seems to be only permissive or empowering, intended merely to enable the D.S.P.E. also to investigate into the offences specified as contemplated by Section 3 without impating any other law empowering the regular police authorities to investigate offences."
(emphasis supplied)

20. On the basis of the law so laid down, the last submission of Mr. Shanti Bhushan on this point was that the power of C.B.I. to investigate into the offences in question was not exclusive but concurrent with the State police. In distinguishing the case of **Kazi Lhendup Dorji** (supra), Mr. Shanti Bhushan submitted that that was a case where the consent was sought to be withdrawn at a stage when the investigation was in progress, but in the instant case, as the C.B.I. has already completed the investigation and submitted its report in final form the State Government was fully justified in withdrawing the consent for making a proper investigation into the offence in question.

21. In responding to the argument of the appellants based on

Section 21 of the General Clauses Act he submitted that the said Section was applicable to conferments of administrative power only and not to conferment of judicial or quasi judicial powers and since grant of consent under Section 6 of the Act was merely an administrative power withdrawal thereof would be permissible under that section.

22. We are constrained to say that the entire argument of Mr. Shanti Bhushan centring round Section 156, read with Chapter XIII, of the Code is fallacious; and the fallacy lies in the basic premise on which he sought to build his argumentative edifice. In the present appeals, we are not concerned with the question of initiation of parallel or simultaneous investigations by two different agencies, viz. C.B.I. and State police in two separate cognizable cases registered at two different places over one and the same offence. We are also not concerned with the question whether both C.B.I. and Kerala Police have/had jurisdiction to initiate investigation into the offences in question [answer to which has already been given in the case of **A.C. Sharma** (supra)]. Indeed, the question that falls for our determination is altogether different; and that is, when the investigation into an offence is transferred and entrusted to C.B.I. for investigation pursuant to consent given under Section 6 of the Act and the C.B.I. has not only started but completed the investigation armed with that consent and submitted its report under Section 173(2) of the Code can the State Government withdraw the consent and, if so, what is the effect thereof.

23. To answer the above question it will be appropriate to first refer to the case of **Kazi Lhendup Dorji** (supra). In that case by a letter dated October 20, 1976, addressed to the Deputy Secretary to the Government of India (Department of Personnel and Administration Reforms), the Chief Secretary to the Government of Sikkim conveyed the consent of its Government under Section 6 to the members of the Delhi Special Police Establishment in exercising powers and jurisdiction in the entire State of Sikkim for the investigation of the offences punishable under various provisions of the Indian Penal Code specified therein as well as offences under the Prevention of Corruption Act, 1947. Thereafter on May 26, 1984 a case was registered by the C.B.I. against Shri Narbahadur Bhandari, erstwhile Chief Minister of Sikkim, for offences punishable under Section 5(2) read with 5(1)(e) of the Prevention of Corruption Act, 1947 on the allegation that while acting as the Chief Minister and thus being a public servant, he had acquired assets disproportionate to his known sources of income. Another case was thereafter registered by the C.B.I. on August 7, 1984 against Shri Bhandari and others under Section 5(2) read with

5(1)(d) of the same Act. After registering those two cases the C.B.I. started investigation; and when the cases were under investigation Shri Bhandari resumed the office of the Chief Minister on March 19, 1985. While he was holding that office a notification was issued on January 7, 1987 notifying that all consents of or on behalf of the State Government earlier given under Section 6 of the Act for investigation of offences by C.B.I. are withdrawn and stand cancelled with immediate effect. As a consequence of that notification, C.B.I. suspended further action in the aforementioned two cases against Shri Bhandari. Shri Dorji, who also happened to be a former Chief Minister of Sikkim, then filed a writ petition before this Court under Article 32 of the Constitution of India contending that there was no provision in the Act which empowered the State Government to withdraw the consent which had been accorded and consequently, the impugned notification dated January 7, 1987, withdrawing the consent was in violation of the provisions of the Act. In contesting the petition Shri Bhandari (who was arrayed as Respondent No. 4 therein) contended, inter alia, that the consent given under Section 6 of the Act could be rescinded under Section 21 of the General Clauses Act, 1897. In allowing the petition this Court held:

"Coming to the conclusion urged by Shri Jethmalani on merits it may be mentioned that Section 21 of the General Clauses Act does not confer a power to issue an order having retrospective operation. Therefore, even if we proceed on the basis that Section 21 of the General Clauses Act is applicable to an order passed under Section 6 of the Act, an order revoking an order giving consent under Section 6 of the Act can have only prospective operation and would not affect matters in which action has been initiated prior to the issuance of the order of revocation. The impugned notification dated 7-1-1987, has to be construed in this light. If thus construed it would mean that investigation which was commenced by CBI prior to withdrawal of consent under the impugned notification dated 7-1-1987, had to be completed and it was not affected by the said withdrawal of consent. In other words, the CBI was competent to complete the investigation in the cases registered by it against Respondent 4 and other persons and submit the report under Section 173 CrPC in the competent court. On that view of the matter, it is not necessary to go into the question whether the provisions of Section 21 of the General Clauses Act can be invoked in relation to consent given under Section 6 of the Act."

(emphasis supplied)

In view of the law so laid down by a three-Judge Bench of this Court, it must be held that an investigation started by C.B.I. with the consent of the State Government concerned cannot be stopped midway by withdrawing the consent.

24. Since, in the present case, unlike that of **Kazi Lhendup Dorji** (supra), the consent was withdrawn after report under Section 173(2) Cr.P.C. was filed on completion of investigation as the State Government would like to further investigate into the case, the question which still remains to be answered is whether this distinguishing fact alters the principle laid down therein. To answer this question it will be necessary to refer to Section 173 of the Code which, so far as it is relevant for our present purposes, reads as under:

"Report of police officer on completion of investigation"

(1) Every investigation under this Chapter shall be completed without unnecessary delay.

(2) (i) As soon as it is completed, the officer in charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the State Government, stating—

- (a) the names of the parties,
- (b) the nature of the information;
- (c) the names of the persons who appear to be acquainted with the circumstances of the case;
- (d) whether any offence appears to have been committed and, if so, by whom;
- (e) whether the accused has been arrested;
- (f) whether he has been released on his bond and, if so, whether with or without sureties;
- (g) whether he has been forwarded in custody under Section 170.

(ii) The officer shall also communicate, in such manner as may be prescribed by the State Government, the action taken by him to the person, if any, by whom the information relating to the commission of the offence was first given.

(3)	XX	XX	XX
(4)	XX	XX	XX
(5)	XX	XX	XX
(6)	XX	XX	XX
(7)	XX	XX	XX

(8) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon

such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2)."

25. From a plain reading of the above Section it is evident that even after submission of police report under sub-section (2) on completion of investigation, the police has a right of 'further' investigation under sub-section (8) but not 'fresh investigation' or 're-investigation'. That the Government of Kerala was also conscious of this position is evident from the fact that though initially it stated in the Explanatory Note of their notification dated June 27, 1996 (quoted earlier) that the consent was being withdrawn in public interest to order a 're-investigation' of the case by a special team of State police officers, in the amendatory notification (quoted earlier) it made it clear that they wanted a 'further investigation of the case' instead of 're-investigation of the case'. The dictionary meaning of 'further' (when used as an adjective) is 'additional'; more; supplemental. 'Further' investigation therefore is the continuation of the earlier investigation and not a fresh investigation or re-investigation to be started ab-initio wiping out the earlier investigation altogether. In drawing this conclusion we have also drawn inspiration from the fact that sub-section (8) clearly envisages that on completion of further investigation the investigating agency has to forward to the Magistrate a 'further' report or reports—and not fresh report or reports—regarding the 'further' evidence obtained during such investigation. Once it is accepted—and it has got to be accepted in view of the judgment in **Kazi Lhendup Dorji** (supra)—that an investigation undertaken by CBI pursuant to a consent granted under Section 6 of the Act is to the completed, notwithstanding withdrawal of the consent, and that 'further investigation' is a continuation of such investigation which culminates in a further police report under sub-section (8) of Section 173, it necessarily means that withdrawal of consent in the instant case would not entitle the State police, to further investigate into the case. To put it differently, if any further investigation is to be made it is the C.B.I. alone which can do so, for it was entrusted to investigate into the case by the State Government. Resultantly, the notification issued withdrawing the consent to enable the State Police to further investigate into the case is patently invalid and unsustainable in law. In view of this finding of ours we need not go into the questions, whether Section 21 of the General Clauses Act applies to the consent given under Section 6

of the Act and whether consent given for investigating into Crime No. 246/94 was redundant in view of the general consent earlier given by the State of Kerala.

26. Even if we were to hold that the State Government had the requisite power and authority to issue the impugned notification, still the same would be liable to be quashed on the ground of mala fide exercise of power. Eloquent proof thereof is furnished by the following facts and circumstances as appearing on the record:

(i) While requesting the Director General of Police, Thiruvananthapuram, to transfer the case to C.B.I. for investigation by his letter dated November 30, 1994, Shri Mathew, the Deputy Inspector General of Police (who, as noticed earlier, impleaded himself as a respondent in the writ petitions filed by the accused-appellants in the High Court) stated as under:

"(1) The incidents of this case are spread over the three states of Kerala, Tamilnadu and Karnataka and foreign locations like Colombo and Male.

(2) There is reason to believe that strategically important information about the IAF/Armed Forces (R&D Wing) have been passed on by the espionage chain to unfriendly countries. The complicity of senior military personnel is very likely. *The State police may not be able to question them, conduct search in their office, etc.*

(3) There is information (not fully authenticated) about the involvement of a senior officer.

Due to the above mentioned reasons, *I do not think the Special Team now in charge of the case could be able to do full justice to the case. This is a fit case to be transferred to the Central Bureau of Investigation who are better equipped and also have the advantage of being a Central Police Investigation outfit.*"

(emphasis supplied)

That on the basis of the above letter the Director General of Police recommended investigation by the CBI and the Government of Kerala in its turn issued the notification dated December 2, 1994 (quoted earlier) would be evident from the explanatory note appended thereto. If the above formidable impediments stood in the way of the State Government to get the case properly investigated by its police and impelled it to hand over the investigation to the C.B.I., it is hardly conceivable that the State Government would be able to pursue the investigation effectively as those impediments would still be there. Mr. Shanti Bhushan, however, contended, relying upon the following statement made by Shri K. Dasan, an Additional Secretary to the Government of Kerala in

his counter-affidavit (filed on February 20, 1997 in Criminal Appeal No. 489 of 1997):

"Having regard to the question of public importance involved in this matter the Government ordered that further investigation should be taken by a Special Team headed by senior officials of Kerala state police assisted by senior Officials of the Intelligence Bureau, RAW and intelligence wing in the defence organisation of Government of India."

that there would be no difficulty in carrying on an effective and purposeful investigation with the assistance of the related organisation of the Central Government. Having regard to the stand taken by the Central Government that they are satisfied with the report of investigation of the C.B.I. we are not prepared to accept the above statement in absence of any supporting affidavit on behalf of the Government of India or any of those organisations.

(ii) On a careful perusal of the police report submitted by the C.B.I. on completion of the investigation (which runs through more than 100 pages) we find that it has made a detailed investigation from all possible angles before drawing the conclusion that the allegations of espionage did not stand proved and were found to be false. Mr. Shanti Bhushan, however, drew our attention to certain passages from that report to contend that C.B.I. only 'investigated the investigation' (to use the words of Mr. Shanti Bhushan), which had been carried on for less than three weeks by the Kerala Police and the Intelligence Bureau of the Central Government. In its (C.B.I.'s anxiety to establish that the statements of the accused-appellants recorded by the Kerala police and the Intelligence Bureau could not be accepted as correct. He also drew our attention to pages 7 to 15 of the counter affidavit filed by Shri T.P. Sen Kumar, Deputy Inspector General of Police, Kerala (in Criminal Appeal No. 491 of 1997), wherein detailed reasons have been given for not accepting the police report submitted by the C.B.I. and for the State Government's decision to withdraw the consent. After having gone through the relevant averments made in those pages we find that the main endeavour of Shri Sen Kumar has been to demonstrate that the *conclusions* arrived at by the C.B.I. from the materials collected during investigation were wrong and not that the investigation was ill directed or that the materials collected in course thereof were insufficient or irrelevant. If the State Government found that the conclusions drawn by the C.B.I. were not proper, the only course left to the State Government, in our opinion, was to ask the Central Government to take

a different view of the materials collected during investigation and persuade it to lodge a complaint in accordance with Section 13 of the I.O.S. Act. The contention of Mr. Shanti Bhushan that the C.B.I. only 'investigated into the investigation' is also without any basis whatsoever for we find that keeping in view the statements made by some of the accused-appellants, the C.B.I. sought the assistance of INTERPOL and got a number of persons examined by them in Sri Lanka and Maldives [besides a number of witnesses in India, who were examined by it (C.B.I.)]. Further, we find that the State Government did not canvass any satisfactory ground justifying further investigation, while seeking permission of the Chief Judicial Magistrate for that purpose.

(iii) Though the investigation of the case centred round espionage activities in I.S.R.O. no complaint was made by it to that effect nor did it raise any grievance on that score. On the contrary, from the police report submitted by the C.B.I. we find that several scientists of this organisation were examined and from the statements made by those officers the C.B.I. drew the following conclusion:

"The sum and substance of the aforesaid statements is that ISRO does not have a system of classifying drawings/ documents. In other words, the documentary drawings are not marked as Top Secret, Secret, confidential or classified, etc. Further, ISRO follows an open door policy in regard to the issue of documents to the scientists. Since ISRO is a research-oriented organisation, any scientist wanting to study any document is free to go to the Documentation Cell/Library and study the documents. As regards the issue of documents to various Divisions, the procedure was that only the copies used to be issued to the various divisions on indent after duly entering the same in the Documentation Issue Registers. During investigation, it has been revealed that Fabrication Divn. where accused Sasikumaran was working, various drawings running into 16,800 sheets were issued and after his transfer to SAP, Ahmedabad on November 7, 1994, all the copies of the drawings were found to be intact. Nambi Narayanan being a senior scientist, though had access to the drawings, but at no stage any drawings/documents were found to have been issued to him. They have also stated it was usual for scientists to take the documents/drawings required for any meetings/discussions to their houses for study purposes. In these circumstances, the allegation that Nambi Narayanan and Sasikumaran might have passed on the documents to a third party, is found to be false."

It further appears that at the instance of C.B.I., a Committee of senior scientists was constituted to ascertain whether any classified documents of the organisation were stolen or found missing and their report shows that there was no such missing documents. There cannot, therefore, be any scope for further investigation in respect of purported espionage activities in that organisation in respect of which only the Kerala police would have jurisdiction to investigate.

(iv) The Government of India, by supporting the case of the writ petitioners (the accused-appellants) in the High Court, and filing some of these appeals in this Court and an affidavit in connection therewith has, in no uncertain terms, made it abundantly clear that they are satisfied with the investigation conducted by the C.B.I. and they strongly oppose any attempt on the part of the State Government to further investigate into the matter by its police. In spite thereof the State Government has had been pursuing the matter zealously and strongly defending their action, knowing fully well that a prosecution can be launched by or at the instance of Central Government only. Having known the stand of the Government of India it was expected of the Government of Kerala to withdraw the impugned notification, for in the ultimate analysis any further investigation by it would be an exercise in futility.

(v) Though, [as held by this Court in *Jamuna vs. State of Bihar* (A.I.R. 1974 S.C. 1822)] the duty of the Investigating Agency is not merely to bolster up a prosecution case with such evidence as may enable the Court to record a conviction but to bring out the real unvarnished truth, yet the Kerala Government wants the instant case to be further investigated by a team nominated by it with the avowed object of establishing that the accused-appellants are guilty, even after the investigating agency of its choice, the C.B.I., found that no case had been made out against them. This will be evident from the following passage from the Order dated December 13, 1996 passed by the Chief Judicial Magistrate, Thiruvananthapuram while granting permission to the Kerala Police to further investigate:

"The report submitted by the Director General of Police discloses the fact that he has got *reliable information* that the conclusions arrived at by the C.B.I. during investigation were not correct. *If the case is further investigated more evidence can be collected which would point towards the guilt of the accused.*"

(emphasis supplied)

and from the order of detention dated September 6, 1997 passed against the appellant Mariam Rasheeda by Mr. Mohan Kumar,

Additional Chief Secretary, Government of Kerala. The said order reads as under:

"WHEREAS Smt. Mariam Rasheeda who is a Maldivian National, a foreigner, is an accused in Crime No. 246/94 of Vanchiyoore Police Station, Thiruvananthapuram.

WHEREAS in the judgment dated December 27, 1996 in O.P. Nos. 12747/96, 14248/96, 15363/96 and 16358/96 the Hon'ble High Court of Kerala said that the order of Government of Kerala to conduct further investigation in the above crime case is valid.

WHEREAS the Government of Kerala have taken steps to obtain the formal permission of the Chief Judicial Magistrate, Thiruvananthapuram to conduct further investigation.

AND WHEREAS the Government of Kerala are satisfied that there is sufficient evidence to proceed against the said Mariam Rasheeda for the offence u/s 3 and 4 of the Official Secrets Act and for the purpose of further investigation, her continued presence in India is absolutely necessary and that she is likely to abscond and act in a manner prejudicial to the defence of India and the security of India, unless detained.

NOW THEREFORE the Government of Kerala hereby order that the aforesaid Smt. Mariam Rasheeda be detained under Section 3(1)(a) and (b) of the National Security Act, 1980 (Act No. 65 of 1980) in the Central Prison, Vityoor, Thrissur."

(emphasis supplied)

If before taking up further investigation an opinion has already been formed regarding the guilt of the accused and, that too, at a stage when the commission of the offence itself is yet to be proved, it is obvious that the investigation can not and will not be fair—and its outcome appears to be a foregone conclusion.

27. From the above facts and circumstances we are constrained to say that the issuance of the impugned notification does not comport with the known pattern of a responsible Government bound by rule of law. This is undoubtedly a matter of concern and consternation. We say no more.

28. On the conclusions as above we allow these appeals and quash the impugned notification. We direct the Government of Kerala to pay a sum of Rs. 1,00,000/- (Rupees one lac) to each of the six accused-appellants as costs.

Sd/-

[M.K. Mukherjee]

[Syed Shah Mohammed Quadri]

New Delhi,
April 29, 1998

Document 4

TO THE EDITOR

Dear Sir,

Please find attached an open letter by S. Dhawan, T.N. Seshan, U.R. Rao, Yash Pal, R. Narasimha and S. Chandrashekar regarding Shri S. Nambinarayanan, an innocent victim of the so-called ISRO espionage case.

With best regards,

S. Chandrashekar

S. Chandrashekar
B-111, Surya Kiran Apartments,
42 Netaji Road,
Cleveland Town,
Bangalore-560005.

Telephone-567854 (Res.)

AN OPEN LETTER

As individuals associated with the country's space programme over the last twenty years and more, we are deeply concerned about what has happened and is continuing to happen to one of our fellow scientists Shri S. Nambinarayanan. We are choosing this route to express our concern because of our inability to intervene meaningfully in the complicated chessboard of moves and counter-moves that seem to make inevitable the continued perse-

cution and traumatising of a valued colleague.

Many of us have known Nambi for over twenty years. He was the leader of the team of engineers sent to France for acquisition of liquid rocket technology. He led with great ability ISRO teams vested with the responsibility of delivering the second and fourth stages of the PSLV project. He was also for a while the leader of the cryogenic engine project. Like all of us Nambi may have his share of virtues and faults, but we have always appreciated his deep commitment to technology development in the interests of ISRO and the nation. The arrest and interrogation of Nambi in the so-called ISRO espionage case and the attendant newspaper publicity have done immense damage to his morale and even more damage to his innocent family.

The CBI investigation completely absolving Shri S. Nambinarayanan of any wrong doing and the verdict of the Chief Judicial Magistrate, Ernakulam discharging all the accused in the ISRO "espionage case" are now on record. However, the clearance recently accorded by the Kerala High Court to further investigate the case will drag Nambinarayanan and his family through another period of misery. From the record and the evidence behind the "espionage case" there appears to be no basis for the continued harassment of a person whose innocence has been proven. The reasons for our statement are summarised below.

The major allegation against Shri Nambinarayanan was that drawings and documents relating to the Viking engine and cryogenic technology were handed over to foreign/enemy countries in exchange for large amounts of money in US dollars, and that these took place at three different locations (Madras, Bangalore, Trivandrum) in January, June and September 1994 on specified dates and times.

The detailed investigation by the CBI established:

- that the alleged meetings between the various accused never took place, and the various accused were present elsewhere on the specified dates and times;
- that no documents were handed over;
- that no documents were seized from any one;
- that an independent ISRO investigation also revealed that in the case of both the cryogenic and the Viking engines no original drawings or documents of any significance were lost or are missing;
- that no documents of any kind or computer compatible tapes of any kind were shipped out of Trivandrum;
- that no money transactions took place.

The CBI investigations also reveal:

- that Shri Nambinarayanan never met Raman Srivastava, S.K. Sharma or the two Maldivian women;
- that accusations against Nambinarayanan regarding financial gains from espionage are baseless and as a matter of fact his life style is very close to that of a poor person;
- that a lie detector (polygraph) test administered to Nambinarayanan by the CBI validates that he was speaking the truth.

There is therefore no evidence to prove that espionage ever took place or that documents or money exchanged hands or that the accused including Shri S. Nambinarayanan benefited financially from these dealings. *In view of the evidence on record, oral as well as documentary, it seems clear that the allegations of espionage have been found to be false, and that the espionage story, both in its genesis and subsequent development had no basis in reality.*

As people who have been associated with technology development in India, we have not been able to understand the logic of what is supposed to have happened in the "espionage case". Clearly the acquisition of technology by any foreign power is quite a complex process. Experience indicates that even when drawings are acquired under open technology transfer agreements, their transformation into working hardware takes time, expertise and large financial outlays. The Maldivian women involved, their mode of entry into India or their activities, seem to be inconsistent with the aim of acquiring sensitive technology by any interested foreign power. ISRO does not classify working level documents as secret, top secret or confidential. An internal investigation carried out by ISRO has shown that there are no original drawings related to the Viking or Cryogenic engines missing. In fact, in this case, even fabrication drawings, which ISRO routinely passes on to industry, are not missing.

In order to make out an offence under Section 3 of the Official Secrets Act of 1923, there must be sufficient evidence on record to show that any person acts in a manner prejudicial to the safety or interest of the state. Sub-section 1 of Section 3 goes on to elaborate what these "acts" are. We presume that the alleged offence involves:

- approaching, inspecting, passing by or being in the vicinity of a prohibited place;
- making sketches, plans, models or notes which might help the enemy directly or indirectly.
- obtaining, collecting, recording, publishing or communicating to any other person any secret code, password,

sketch, plan, model, article, note or other documents or information that is of direct or indirect use to the enemy or which relates to the matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the state or friendly relations with foreign countries.

The conclusions of the CBI investigation mentioned above have shown no evidence of any such acts. Indeed searches made by both the Kerala Police and the CBI have revealed no incriminating material or receipt of money from or by Shri Nambinarayanan.

It is clear, that in this case, in view of the facts and circumstances and the legal position, no offence has been committed under the Official Secrets Act by Shri Nambinarayanan.

Like many large organisations, the space organisation tends to suffer from petty jealousies and professional rivalries that get translated into personal animosities. These "internal" problems have so far not spilled over into national scandals involving personal lives and reputations. The "espionage case" reveals that the country's space programme, or for that matter other strategic programmes, may no longer be immune to outside interference. These dangerous trends, if allowed to continue, can demotivate and demoralise the many hardworking and dedicated professionals who have made Indian achievements in these areas possible, usually for paltry compensations. Such actions are likely to derail these programmes and adversely affect the national interest more severely than any foreign hand.

The espionage case has now been going on for more than two years. The personal life of an important contributor to the space effort like Shri Nambinarayanan has been given a rude jolt if not ruined. His family has been victimised and socially ostracised. Clearly he has suffered greatly and it is time that this "charade" is brought to an end so that a hapless victim of the so-called "espionage scandal" can get on with what is left of his life and career. We trust and hope that good sense will prevail and that further harassment of a valued scientist will cease.

Sd/-

(S. Dhawan)

(T.N. Seshan)

(U.R. Rao)

(Yash Pal)

(R. Narasimha)

(S. Chandrashekar)

Document 5

No. SB/1053/GI/94-TC
Office of the
Commissioner of Police,
Trivandrum City
Dated : 24.10.1994

From

V.R. Rajivan
Commissioner of Police
Trivandrum City.

To

The Director General of Police, (NC)
Kerala; Trivandrum.

Sir,

Sub: Arrest of Maldivian National Mrs. Mariam
Rasheeda—Reg.

As requested by Sri. Balasubramanian, DIG, CID and Railways
I have given a detailed report to him regarding the arrest of
Maldivian National Mrs. Mariam Rasheeda. Copy of the same is
enclosed herewith for favour of information.

Yours faithfully,

Commissioner of Police

Copy to: Inspector General of Police, SZ(NC) TVM for favour of
information with copy of the report.

Document 5

179

No. SB/1053/GI/94-TC
Office of the Commissioner
of Police,
Trivandrum City.

Dated : 24.10.1994

From

V.R. Rajivan
Commissioner of Police,
Trivandrum City.

To

Sri K.S. Balasubramanian
Dy. Inspector General of Police
CID & Railways
Trivandrum.

Sir,

Sub: Arrest of Maldivian National Mrs. Mariam
Rasheeda—Reg.

Your attention is invited to the discussions as had over tele-
phone regarding the arrest of Maldivian National Mrs. Mariam
Rasheeda. In this connection, I have to report as follows:

A large number of Maldivian citizens are visiting Trivandrum
for educational purpose, medical treatment etc. and for short vis-
its these personnel come without Visa as per existing regulations.
Since it was felt necessary to have some sort of watch over the
movements of these Maldivian nationals, special instructions were
given to the City Special Branch staff to form a special cell and
verify the Hotel registers periodically. As part of such a verifica-
tion, on 15.10.94 the officers of City Special Branch visited different
hotels, lodging etc. in Trivandrum City. Sri. S. Vijayan, Special
Branch Inspector, noticed that a lady named Mariam Rasheeda,
holder of Maldivian passport No. A 080493 was residing in Room
No. 205 in Hotel Samrat at Thakaraparambu Road, East Fort,
Trivandrum. Another Maldivian lady named Fauziya Hassan,
holder of Maldivian Passport No. 057394 was also found staying
in the same room.

On questioning the two ladies it was revealed that they were
residing in the above Hotel from 17.9.94 onwards. They were not
related to each other. Both of them were married to Sri Lankan
Muslims and from the Passport of Mrs. Fauziya Hassan it was
seen that she was a regular passenger from Male to India via
Colombo. According to Mrs. Fauziya, she was permanently resid-
ing at Bangalore and had registered with the Foreigners
Registration Office at Bangalore. This was confirmed from the
entries made in her travel documents also.

According to Mrs. Mariam Rasheeda, she had come to India for arranging school admission in Bangalore for her daughter. However she was not able to give satisfactory explanation for her presence in Trivandrum for the said purpose. The passport in her possession was a duplicate one, but there was no reason to doubt its genuineness. Entries made in the passport showed that she had travelled to India on three previous occasions via Colombo. According to her, she had made the previous trips for medical treatment (cardiac problems). Verifications of the treatment records however did not reveal any cardiac problems. On making enquiries, it was further revealed that she did not have any cash with her and her expenditure was being met by Mrs. Fauziya who was having with her 65 dollars and Rs. 1500/- Indian currency. Smt. Mariam Rasheeda claimed that she was a member of the Male Armed Force. But no records were available to prove this.

On checking up with the hotel authorities, it was seen that the hotel bills were being regularly paid by Smt. Mariam Rasheeda and she explained away this saying that her friend Mrs. Fauziya Hassan is helping her for making the payment. It was then suspected that Smt. Mariam Rasheeda may be making her livelihood through immoral activities. To prove this aspect further, the hotel authorities were requested to furnish information regarding the phone calls made by her and about the persons who have come to see her in the hotel. Accordingly, the hotel authorities furnished details of the phone calls made by Mrs. Mariam Rasheeda and it was noticed that she had made a number of calls to telephone number 572284 and 330638. On certain days 3 to 4 calls were seen made to these numbers. On verifying, it was found that the Telephone No. 572284 belonged to VSSC Project Vallamala and Phone No. 330638 was the residential number of Sasikumaran, a senior Engineer working in the VSSC Project. Further enquiries revealed that the said Sasikumaran had visited Mrs. Mariam Rasheeda at least on two occasions in the hotel room.

Under the circumstances mentioned above, there was every reason to suspect the activities of Smt. Mariam Rasheeda and considering the fact that she was in constant touch with a Scientist working at VSSC, it was felt that her activities should be further probed. On 15.10.94 night itself Intelligence Bureau Officials were informed about the matter. The officials of RAW and State Special Branch were also informed about the matter on 16.10.94. On 16.10.94 itself officials of IB and RAW came to City Special Branch and took all the necessary details regarding Mrs. Mariam Rasheeda. The IB Officials wanted the help of a WPC for questioning Smt. Rasheeda and this was arranged on 16.10.94 itself. It is

understood that both IB officials and RAW officials, questioned Smt. Mariam Rasheeda on 16.10.94 itself. On the same date CI of State Police SB Sri Suresh Kumar visited City Special Branch and took down the details regarding the foreigner. Officials of RAW again questioned Smt. Mariam Rasheeda on 19.10.94.

On 20.10.94 we got information that some of the press persons had come to know about the matter. Under the above circumstance I personally discussed the matter with Sri Sree Kumar, Dy Director IB, and told him that if they wanted to detain her further, proper legal proceedings will have to be initiated against Smt. Mariam Rasheeda. Though they were not in a position to rule out the possibilities of Smt. Mariam Rasheeda being used for some sort of espionage activities, it was informed that they did not have evidence to prove any offence. Smt. Rasheeda who had come to India without a Visa was overstaying here, and I, therefore, suggested that some more time will be available for them for further probe, if she is proceeded against under the Foreigners Act. This was agreed to by Sri Sreekumar also. After informing DGP Intelligence and IGP South Zone I issued instructions to Special Branch Inspector to get a case registered against the foreign national for overstaying in India without valid Visa/permission. Accordingly she was arrested on 20.10.94 evening itself and a case in Crime No. 225/94 u/s 7 of Foreigner's Orders 1948 r/w Sec. 14 of Foreigner's Act 1946 was registered at Vanchiyoore Police Station. She was produced before the Addl. Chief Judicial Magistrate court on 21.10.94 with a remand report and she was remanded to judicial custody till 3.11.94. The information regarding the arrest of the foreigner has been duly given by W/M to Dy Secretary, Ministry of External Affairs New Delhi, and Deputy Secretary (Ministry of Foreigners and Home Affairs New Delhi) and copies have also been marked to Commissioner & Secretary to Government, Home Dept., DGP, District Collector etc.

Our enquiries have not revealed anything against Smt. Fauziya Hassan and there was no overstay in her case. Under the above circumstances she had not been detained and she had left for Bangalore. Confidential enquiries made by this unit has not brought out any facts indicating any espionage activities on the part of this foreigner. At the same time, the fact remains that she had contacted a Senior Scientist of VSSC on a number of occasions and it is for the officials of the Intelligence Bureau and RAW to make further enquiries regarding this aspect. We have orally requested Intelligence Bureau officials to inform us whether they want the remand period of Mrs. Mariam Rasheeda be extended or not. However they have not given any definite reply till date. In

case they do not wish to proceed further with the enquiries, we are planning to chargesheet the case against her under the Foreigners Act/rules.

Yours faithfully,

Commissioner of Police

Copy to: The Director General of Police, Kerala/Inspector General of Police, South Zone, Trivandrum (W/C) with C/I.

Document 6

**SUBMITTED MOST HUMBLY BEFORE THE HON'BLE CHIEF
JUSTICE OF INDIA**

By

**Mariam Rasheeda
No. R.P. 431
Maldivian Citizen in Vilyur Central Prison
Trissur, Kerala**

Sir,

I am a victim of the so-called ISRO espionage case.

I most humbly request your Lordship to kindly pardon me if my writing directly to you is improper. I don't know the law of the land. I am a Maldivian who had come to India for medical treatment. Also, I don't have money to engage a lawyer at the Supreme Court of India, where I have been told that the case is pending in the form of a Special Leave Petition (Criminal) No. 3957 of 1996.

I most humbly request your Lordship to read the chronology of events that have led to my arrest and subsequent detention even after I was discharged in the ISRO espionage case.

Calendar of Events

1. I, Mariam Rasheeda, Maldivian citizen, aged 33, and holder of Passport No. A-080493 issued by the Government of Maldives on 6.6.1993 and valid up to 5.6.1998 first came to India on 2.6.1994 and stayed till 9.6.1994. I came to India for the second time on 20.6.1994 and left for Male on 8.8.1994. The period of my stay in India, as per the Foreigners Order 1948 and the Foreigners Act, 1946, was to expire on 17.10.1994.

2. I had a confirmed air ticket to Maldives by Air Lanka and a waitlisted Indian Airlines ticket, both for 17.10.1994. But, I was not sure whether I could leave India on 17.10.1994 because the flights had been cancelled since 4.10.1994 due to plague scare.

3. On 8.10.1994 I approached Circle Inspector Vijayan of the Foreigner's Section in the Police Commissioner's Office, Thiruvananthapuram, Kerala, for extension of my stay in India beyond 17.10.1994. He took my passport and air tickets and told me he needed them for giving the NOC.

4. On 12.10.1994 he came to the hotel room of my friend Fauziya Hassan and after asking her to wait outside, touched my body with bad intentions. I asked him to leave the room.

5. He didn't allow me to leave India by keeping my passport and air tickets with him and later, on 20.10.1994, arrested me for overstaying. A case was also registered against me on the same day (FIR No. 225/94 of the Vanchiyoore Police Station, Trivandrum).

6. The Chief Judicial Magistrate, Ernakulam, Kerala who tried the overstay case acquitted me on 14.11.1995 (Calendar case No. 1464/94) after putting it on record that Circle Inspector Vijayan "was chasing her from the middle of October 1994 obstructing her from leaving India". Vijayan has not yet challenged the order.

7. Meanwhile, two other cases were registered against me and other five persons. I was made the prime accused in an espionage case (FIR 246/94, of the Vanchiyoore Police Station) filed on 13.11.1994 and an accused in another one under the Prevention of Corruption Act.

8. After I was arrested for overstaying, I was under the judicial custody from 21.10.1994 to 3.11.1994. On 3.11.1994, I was handed over to Police custody. The Police and the Intelligence Bureau officials tortured me physically and mentally. They stripped me naked. They didn't allow me to sleep for three nights. Inspector Vijayan even threatened me that crabs would be put on my body unless I agreed to tell before the video camera what all things they wanted me to tell. They told me that I was a foreign spy and had collected documents from some scientists in India and had handed over a packet of dollars to them. I told them that I came to India for my medical check up (I am a heart patient) and to seek admission for my daughter.

9. In November 1994, I was granted bail. But, I didn't have the surety money. So myself and my friend Fauziya (co-accused in the espionage case) had to remain in the Viyyur Central Prison.

10. In December, the cases were handed over to the CBI and they also interrogated us.

11. In April 1996, the CBI filed its Closure Report before the Chief Judicial Magistrate. The Closure Report tells very clearly that the "espionage case was false and baseless". The Report also says that I had been tortured cruelly while in custody.

12. In May 1996, the CJM, Ernakulam, accepted the CBI Report and discharged all, including me.

13. Circle Inspector Vijayan challenged the order before the High Court and the court stayed the operative part of the CJM's order, which meant, I had to be in the prison.

14. On 27.11.1996 a Division Bench of the High Court of Kerala dismissed the Criminal Revision Petition filed by the Circle Inspector and upheld the decision of the Chief Judicial Magistrate.

15. Meanwhile, the CBI had filed its Closure Report on the case registered under the Prevention of Corruption Act, stating that there was no case against me. The court discharged me in that case also.

16. During my judicial custody I had given interviews to three or four journalists when they approached me with court order granting them permission to interview me. I had told the correspondents my bitter experiences at the hands of Circle Inspector Vijayan and later, under the Police custody, during the interrogation. What all things I had told to the Press are true, and the CBI's Closure Report vindicates my interview.

17. Circle Inspector Vijayan filed two separate defamation cases against me based on the interview. The Sub-Inspector of Vanchiyoore Police Station had also filed a defamation case. All the defamation cases are pending before two courts in Thiruvananthapuram which are nearly 400 km. away from the prison where I am under the judicial custody.

18. Though the Magistrate Court in Thiruvananthapuram had granted me bail, I don't have the surety to deposit. Nobody has till date come forward to take me on bail also. With the result, I am still in the prison though I have been acquitted in the overstay case and discharged in the ISRO espionage case and the case under the Prevention of Corruption Act. Fauziya was also discharged. But, she could not come out of prison since the same Circle Inspector Vijayan had filed a defamation case against Fauziya also, and she, like me, too didn't have the bail money to come out on bail. On 11.12.1996, the court acquitted Fauziya in the defamation case. At that point of time, there was absolutely no case pending against Fauziya and she could have returned to Maldives. But, hours after she was acquitted, the Police arrested her again, this time under the National Security Act. She has been in the prison since November 1994 and she, like me, cannot understand how she could have done some offence under the National Security Act while under the judicial custody. I apprehend the Kerala Police would fabricate fresh case against me and put me behind the bars again, thus preventing Fauziya and me from telling the truth that we had been dragged into a spy case fabricated by the police, and that the police had tortured us cruelly. The re-arrest,

I fear, is also to prevent us from moving the court against the police.

20. Meanwhile, I have been told by my Advocate here (who has been appearing for me without accepting money from me. I don't have anything to give him also.) that the State Government is going to further investigate the case and that all other affected persons, except Fauziya and myself, had moved Special Leave Petition before the Supreme Court.

21. I don't have the money to engage a counsel in Supreme Court.

Against this background I humbly request Your Lordship to kindly:

(A) Accept this letter as a writ or Special Leave Petition.

(B) Appoint a Senior Lawyer to present my case before the Supreme Court (since I don't have any money).

(C) Pass appropriate orders so that I can leave for Maldives, once the present case is settled. (I am afraid of the fate of Fauziya Hassan, who was arrested under NSA, when she could have left India as a free person.)

(D) Any other order which your Lordship would kindly like to pass.

Signed on 1 February 1997.

Sd/-

Mariam Rasheeda

Document 7

(Letter addressed to the then DGP by Joseph Thomas, IPS, Addl. D.G.P.)

12th April, 1995

No. C/Pers/16-1995

Dear Shri T.V. Madhusudan,

Sub: ISRO Spy Scandal Case—the need for an introspection—reg.

The news item regarding the decision by the Supreme Court on the alleged ISRO spy scandal case and resultant news reports prompt me to write this letter for your kind attention and necessary action.

The alleged spy scandal case involving one among the senior IPS officers of our cadre, Shri Raman Srivastava, IGP, had been getting unprecedented attention from the media within the State and even at the national level. I had been following the news paper reports regarding this event, all through these times. From the news items that had appeared in various dailies, it seems that rather than reporting about the developments in the spy scandal case, it was mainly a personal attack on Shri Raman Srivastava. The details regarding those arrested in the case so far, have been reported only for a few days and that too without much fanfare. All along there had been an attempt to build up a case against IGP Raman Srivastava. I personally feel that the media attention to this effect was brought on this officer by various interested elements in our own department who had set out on a course of 'destroying' the career prospects of IGP Raman Srivastava.

What I have understood about the case through news paper reports, I am summarising below.

On a given date, a Maldivian woman Rasheeda was found overstaying her visa. The Special Branch Inspector interrogated her and later searched her hotel room (was it legal?) and found a diary belonging to her. While scanning through the diary (reason?)

it was found by the SBI that, the diary contained a number of local telephone numbers. While dialling those numbers, he came across the name of Sasikumaran of ISRO. When contacted over telephone at night, Sasikumaran told the SBI that he had Rasheeda for sex on many occasions and that she was available for anyone for money.

Later a case was registered at Vanchiyoor Police Station under the provisions of the Foreigners Act and Rasheeda was arrested. She was then interrogated by the local SI and the SBI and she allegedly gave some startling revelation of espionage activities by ISRO scientists Sasikumaran and Nambi Narayanan with the active connivance of IGP Raman Srivastava.

Meanwhile, leaks regarding the details of interrogation of the arrested woman started appearing in local papers. The DGP then possibly ordered Crime Branch to investigate the case and DIG (Crimes) Siby Mathew and a special team under him took over investigations in the case. Simultaneously a news item appeared in all local dailies that two IGPs of the Kerala Police were also likely involved. The names of Shri P.R. Chandran and Shri Raman Srivastava were clearly mentioned. It was later reported that during an interrogation by DGP himself, Shri Chandran admitted to have put in a word for Fauziya, a friend of Rasheeda at Bangalore, for admission of the latter's child in a local school at Bangalore. It was also reported that Chandran intervened in the matter at the request of Sasikumaran, who was his classmate in Engineering College at Trivandrum. It was also reported that Shri Raman Srivastava denied any knowledge about Rasheeda, Fauziya and others already arrested in the case. With these news reports, it was felt by me that it is a fair investigation by well meaning subordinate police officers into the frightening aspect of sale of our national secrets including space technology.

As it is known now, from the time of Shri Srivastava denying any knowledge or connection with any of the accused persons, the media started building up a case that Raman Srivastava has been named by all the accused persons, as to have been their co-conspirator and perpetrator of the alleged spying activities. The newspapers started giving quotes from *informed sources* that Srivastava was party to the tie-up with the spy racketeers in Bangalore and Madras apart from he being referred to as 'Coatwala' and 'Brigadier', allegedly his code name in the spy-ring. The details regarding interrogation results also started flowing. It even went up to the level of describing the facial appearance of the arrested persons during questioning, leave alone the full contents of their statement.

The readers of all the newspapers, i.e., practically the entire

public of Kerala, started evincing keen interest and the role of the Brigadier i.e., Raman Srivastava, became the topic of discussions everywhere. The outcry for immediate arrest of Srivastava, also followed. At this stage, it was reported that the case had been transferred to the CBI for further investigation since the alleged spy network extended beyond our frontiers. It was also reported that Srivastava was to be arrested immediately and Siby Mathew, the investigating officer did not want to do the dirty job although he was sure about the IGP's involvement etc. Siby Mathew, as per some news reports allegedly took the stand that he is not empowered to effect the arrest of a senior officer and hence he is hesitant to arrest Srivastava etc. Meanwhile, it was reported that the accused persons who were under remand were taken back into police custody and detailed interrogations were on, with the help of IB and RAW. It was further reported that the accused were taken to CRPF camp first, then to the Hindustan Latex Guest House and finally to the office of the IB. All these movements of the accused and their questioning by IB and RAW officers were extensively reported and the result of statements by the accused persons given in full detail confirming the involvement of IGP Srivastava in spying activities. It was reported that Srivastava was present at a meeting of the spies at a Madras hotel on 24.1.94 and on some other occasion 9 lakh US dollars changed hands among the spies through IGP Srivastava. The hue and cry of the public rose in crescendo, demanding arrest of Srivastava. Hon'ble Ministers in the Government also expressed their opinion that Srivastava should be transferred/asked to go on leave/suspended/arrested. All these statements were made based on press reports allegedly quoting investigating officers without their names. The names of the investigating officers, specially DIG Siby Mathew started appearing in the dailies and prominent members of the public demanded arrest of Srivastava based on the findings of Siby Mathew. Though not quoted, this officer's name struck the public mind as a very honest and efficient officer. This further enhanced the outcry for arrest of Srivastava.

During this period, I happened to read a news item in the, *Time* magazine under INDIA column wherein Anita Pratap, the reporter, had quoted CI Vijayan and DIG Siby Mathew as to have said something which gave further credence to the local newspaper reports. As you are aware, *Time* sells millions of copies around the world and a senior officer of the Kerala Cadre of the IPS was pictured as a possible spy quoting investigators themselves, alongwith others who were already arrested. I felt that the CI Vijayan and Siby Mathew speaking to, *Time* was irregular and were cheap attempts at hogging publicity around the world, as officers who

unearthed a spy-ring involving their own superior officer. The relevant page of, *Time* is enclosed. This quote in *Time* leads me to think that all the stories that had so far appeared in local dailies regarding progress of investigations were the handiwork of these officers to promote their egos, whether such matters are in CD file or not.

During discussions with other police officers in the department of different levels and units and members of the constabulary with whom I had the occasion to interact, it was found that everyone in the force by now believed the story that IGP Srivastava is a spy and he deserves to be incarcerated quickly. The members of the force at all levels declined the genuineness of the allegations against Srivastava, are also the members of the public with whom they always came in contact.

In one case a local SI told me casually that when he went to arrest an accused, the local people chased him away saying "You are not able to arrest Srivastava who is a spy. You have come to arrest a petty criminal, go away etc." This means that entire police force and the public in general believe the stories that appeared in newspapers mostly through leaks from investigating officers. I found certain news items quoting registration number of police jeeps and cars which were allegedly used by Srivastava for spying activities, which details would have been accessible only to senior police officers.

The CBI took up investigations when things were at this stage. The CBI after study of the CDs prepared by Crime Branch took a stand that there is nothing to substantiate any of the allegations of spying by any of the arrested persons, leave alone IGP Srivastava. At this stage the 'Niyama Vedi' people of Cochin approached the High Court with a writ petition demanding the arrest of Srivastava. A legal battle took place in the High Court. The case diary of the whole case written by our officers, was studied by the High Court as also some video tapes of the questioning of the accused by the IB people, wherein the arrested persons possibly spoke about involvement of IGP Srivastava in spying activities. The Hon'ble High Court of Kerala while dismissing the writ petition made a scathing attack on the CBI investigations and indirectly praised the investigations carried by Kerala Police mentioning the name of Siby Mathew. This meant to the public that the investigators of Kerala Police found IGP Srivastava fully involved in the case, but was shying away from arresting him, since he was senior to Siby Mathew. It is rumoured that Siby Mathew had told so to some news reporters. It is a fact that he had been meeting news reporters on the sly, during the mayhem.

The proceedings that have taken place so far, i.e., till it was handed over to the CBI, the investigations look fishy over all. The following matters strike my mind, from whatever I have read in newspapers, which may not at all be correct, however, believed as true by the public, more so based on the observations of the High Court of Kerala.

(1) There are many Maldivian men and women staying/overstaying in Trivandrum. What was the reason for Rasheeda getting all this attention and how was and by whom the overstayer detected.

(2) What was the provocation for the SBI to carry out a search of the hotel room of Rasheeda and under what provision of law.

(3) Was a search memorandum sent to court as per existing law by the searching officer.

(4) Was the diary of Rasheeda impounded under a search list and if so by whom? How did the diary happen to be with the SBI for dialling the numbers seen in the diary which resulted in establishing contact with Sasikumaran.

(5) Did any senior officer ever go through the case records? If so, what was their conclusion?

(6) Who is the officer who took the arrested persons back into police custody and later exposed/handed over the accused remand prisoners to the IB and RAW officers.

(7) Under what provision of law the accused were taken to CRPF camp, Hindustan Latex Guest House and IB office and by whom?

(8) Was the questioning by IB and RAW officers with permission of concerned court? If so, who obtained the permission?

(9) A video cassette has been produced before the High Court, reportedly of the interrogation of arrested person by IB. Have not the investigating officers violated the provisions of the Identification of the Prisoners Act, 1920? The only provision relating to an arrested non-convicted person is seen in Section 4, wherein only taking of measurements is permitted and measurements are defined as 'measurements include finger impression and foot print impressions'. In this case, is not video photography of the non-convicted arrested persons an offence by itself?

(10) The officer who altered the section of offence/registered the new case against Sasikumaran etc. would have prepared a remand report. What were the basic facts for the remand report and from where have the facts been obtained to support such a remand report?

(11) The Hon'ble High Court criticised the investigation by the CBI and lauded the role of Kerala Police by pinpointing the date from which the CBI took over, and criticised their investigations. I understand that the statements of accused persons and CD dated

4.12.94 by Siby Mathew, lead the court to think that Srivastava is involved in the case. In this case, who recorded the accused statements when, where and why verification of the accused statements was not immediately carried out? Such verification would have been possible without any extra effort, and that too locally. This can be observed from the later parts of this letter.

(12) If Kerala Police investigators could despatch officers by air to arrest Sasikumaran from Ahmedabad, and Sharma, Chandrasekharan and Fauziya from Bangalore, the verification of statements by arrested accused, incriminating themselves and IGP Raman Srivastava, could be carried out in the same spirit and speed and any involvement of Raman Srivastava confirmed or ruled out. I feel this omission was due to malicious intentions, part of a criminal conspiracy by our own officers against Srivastava, IGP. My suspicion about this matter, is stated in the concluding paras.

I have made the above statements based on my own suspicions regarding the case as is known to me from newspaper reports and the affidavit filed by CBI before the Supreme Court of India in their Special Leave Petition to expunge the remarks of the Division Bench of the High Court. A copy of the bare affidavit without enclosures which alone I could get is attached herewith. I am emboldened to make the following specific points regarding the role of Srivastava in the whole matter and possibly the intentional lapses by our officers. It is seen from page 5 para (4) of the affidavit that the CBI took up investigation in the case on 4.12.94 and the case was possibly registered by Kerala Police on 20.10.94 as is seen from page 6, para 9 of the affidavit.

These two factors will make it clear that Kerala Police investigated the cases from 20.10.94 to 4.12.94, i.e., a total of 43 days during which period 'Journalistic fodder' was consistently being dished out to the Press by the investigating officers, or those officers in the know of things, picturing IGP Srivastava as 'Brigadier'/'Coatwala'. Our officers in charge of investigations were well aware that one of our senior officers was getting indicted through the self incriminating statements of some arrested persons. The statements of arrested accused revealed handling of crores of rupees worth foreign currency through IGP Srivastava as part of spying activities. It should have been the normal reaction from any investigating officer in possession of such knowledge that Raman Srivastava be questioned in the matter forthwith. In the light of the fact that Srivastava was functioning as IGP, South Zone, within km distance of the investigation scene, and startling disclosures made by spies arrested, regarding his role in spying activities,

i.e., against national interest and his handling of mind boggling amounts of money, he ought to have been questioned in detail without any loss of time. In the event of IGP Raman Srivastava having no satisfactory explanation, he ought to have been arrested immediately, by investigating officers. I have in this connection heard/read some reports that Siby Mathew had all details regarding Srivastava's role and his involvement, but he was hesitating to arrest him since Srivastava is a senior officer etc. This is the most malicious attitude. The Cr PC does not differentiate anyone and the law is same for all. All the more Kerala Police has the background of Shri C.T. Antony, a State Cadre officer arresting the accused senior officers in Rajan Case and getting them under remand. This attitude of Siby Mathew is to be seen as a malicious and cruel approach to increase the sufferings of IGP Srivastava. I am making references to Siby Mathew by name because the High Court has quoted him by name.

Inaction on this matter by the investigating officers, especially DIG Siby Mathew can be attributed to malafides only. He was also possibly reading the local news papers and was aware of the tempo being generated against IGP Srivastava. I feel he is personally responsible for the unholy leaks of investigation details to the press. I come to this conclusion of malafide dereliction of duties by Siby Mathew, possibly with clear intention to malign Srivastava, for some wreaking of vengeance against him. My conclusion is based on facts stated by CBI in their affidavit before Supreme Court vis-a-vis the investigations by Siby Mathew, and the following points are stated in support of such conclusion, by referring to the said affidavit.

(a) On page 16, it is stated

"Investigation has further revealed that Shri G.S. Naikwadi, Foreman of Air India had stayed in Room No. 108 on 22-23/9/94 of Hotel Luciya, Trivandrum, as per his own statement and as per the hotel records. This is contrary to the interrogation reports prepared by the IB that the said Zuhaira had met accused Nambi Narayanan, Chandrasekhar, S.K. Sharma and D. Sasikumaran etc. in Room No. 108 on 23rd Sept. 1994 and had paid US \$ 9 lakhs to the said accused on this date. There is oral and documentary evidence to indicate that Shri Raman Srivastava was in Trivandrum from 21st to 26th of January 1994 and not in Madras as alleged in the IB interrogation reports."

It is a clear fact that investigating officers from Kerala Police, i.e., Siby Mathew had the responsibility to verify statements given by witnesses/accused before him or in his presence to the IB. Was this done?

(b) On page 17, para 26 last part, it is stated that "Enquiries made with Registrar of Firms, Trivandrum, revealed that no firm under the name and style of 'Jet Lines' and 'Cavalier Ltd' had been registered with them."

An investigating officer like Siby Mathew ought to have cleared this matter in hours from Trivandrum itself whereas Siby Mathew chose not to do this at all, so that news paper speculation against IGP Srivastava could have reached its crescendo. These firms were depicted in news reports as the agencies where ill-gotten money of IGP Srivastava while spying was invested.

(c) On page 18, para 28, the CBI has stated about their investigation that

"Not only that no point had been ignored but significant facts had been discovered in the course of investigations which made the possibility of the correctness of the statements of the accused persons recorded by the Kerala Police/IB highly doubtful."

My view expressed earlier regarding malafide dereliction of duty on the part of Siby Mathew in not verifying facts available in Trivandrum City itself, to discredit the alleged statements of accused involving IGP Srivastava, is to be seen in connection with this statement of CBI that 'highly doubtful'.

(d) On page 21, para 33 A (1), it is stated that

"On the basis of interrogation of accused D. Sasikumaran, Chandrasekhar and Fauziya recorded by the IB/Kerala Police, it was said that five rooms were booked by Chandrasekhar and a meeting was held in Hotel Madras International on 24.1.94 which was attended by Sasikumaran, Chandrasekhar, S.K. Sharma, Fauziya Hassan, Zuheira and Raman Srivastava, IGP, Kerala Police and G. Ayyappan and others."

In this connection CBI on page 22 of the affidavit states in middle para that "Accused Nambi Narayanan and D. Sasikumaran were in Trivandrum on 24.1.94 as per information received from the Administrative Officer of ISRO. Raman Srivastava, IGP, Kerala Police, was present in Trivandrum from 22nd to 26th January 1994. This is corroborated by both oral and documentary evidence." I am to request you to just consider the reason for our investigating officers, keeping away from verifying both these facts, from under their very nose, instead of leaking the information to the press that IGP Srivastava is likely involved, with malicious intention of destroying Srivastava's reputation. It is further stated in the affidavit of CBI that "Investigation has revealed that one R. Srivastava, native of Bombay, V. Chandrasekhar, Assistant Engineer, KSEB, Trichur, Sudhir Lalla, native of Coimbatore and Sashi Kapoor, native of Delhi stayed in Hotel Madras International on

24.1.1994. The aforesaid persons have been examined and they have confirmed their stay in the said hotel."

The CBI further adds in brackets "It appears that the names of the aforesaid persons *have perhaps been mistaken* with the names of some of the accused persons in this case." This is a statement worth going into in details. Who could "have perhaps been mistaken" by whom? The accused persons who have allegedly given the statement regarding their presence in the hotel on 24.1.94, could not have mistaken their names for some others. Does this not lead to an irresistible conclusion that somebody in the investigating team went around hotels in Madras for locating a hotel in Madras, where the name 'Srivastava' appears as a resident and then fabricated a statement to conform to the presence of Fauziya in Madras as per her Passport details, as given by the accused incriminating themselves and roping in IGP Srivastava. I firmly believe that this is fabrication of false evidence by someone.

Apart from this, an officer of the seniority of Siby Mathew, who had been Commissioner of Police, Trivandrum City for long, and Babu Raj, who had been DCP, could have easily remembered that 23rd and 24th January are parade rehearsal days for Republic Day and just checked up from any of the officers regarding the presence or not of IGP Srivastava for the parade on both days in the morning. A confidential/open check of the vehicle diary and tour diary of IGP Srivastava could have made matters more clear. Siby Mathew opted not to do it to keep the public outcry for the blood of IGP Srivastava at its peak. We had to get the CBI to carry out proper investigation to give justice to our officer.

(e) On page 23 of the affidavit in line 4 onwards, it is stated that

"According to the impugned order, the photographs of IG, Kerala Police is alleged to have been identified by them as that of Brigadier Srivastava."

It is pertinent to find out as to who showed photographs of Srivastava to the 'them' i.e., the accused persons. What prompted the investigators to show the photographs of IGP Srivastava alone, instead of an identification parade, when IGP Srivastava was available on duty within few kms of the investigators or in the alternative shows photographs of many officers? Had IGP Srivastava been absconding, showing of photographs would have been justifiable. In the light of the evidence adduced by CBI, this showing of photograph is to be seen as falsification and fabrication of evidence to rope in IGP Srivastava. If this is not a malafide action of malicious and vindictive subordinates, what other atrocities can be perpetrated by revengeful subordinates. Should this go unpunished?

In place of this mischief by our officers, CBI states that "It was K.L. Bhasin who met and took Rasheeda and Fauziya to Army

Club. Also K.L. Bhasin, has identified both women as the ones he and Sharma took to the Army Club." On page 24 first line of the affidavit it is stated that "Shri Babu Raj of Kerala Police had recorded such a statement from K.L. Bhasin earlier, and his case diary dated 24.11.94 shows the same." Siby Mathew then records a case diary on 4.12.94 i.e., the day on which the case was taken over by CBI that "there is no clear proof regarding the identity of Brigadier Srivastava who was allegedly present during the deals at Madras in January 1994 and at Indira Nagar, Bangalore, in September 1994". The CBI further states in this connection that "on verification of the official car log book and TA bill of Shri Raman Srivastava, IGP, it was found that he was present in Trivandrum on 25th June 1994 and not at Bangalore". Had Siby Mathew made this effort to check the records relating to Srivastava's presence at Trivandrum on 25 June 1994, he could not have made the above quoted statement in the CD. If he was not able to identify Brigadier Srivastava, he could have in the light of presence of IGP Srivastava at Trivandrum, concluded that definitely Brigadier Srivastava is not IGP Srivastava, but could be somebody else. Also the alleged presence of IGP Srivastava on 24 January 1994 at Madras could have been easily disproved from memory, regarding the conduct of Trivandrum City officers for the few days preceding Republic Day parade.

At this stage, it has also to be mentioned that there were newspaper report that DGP had questioned Srivastava in the matter of his involvement. Siby Mathew could have asked the DGP to clarify every accusation that came up against Srivastava through the DGP regarding IGP Srivastava's whereabouts on 25th June and 24 January 1994, in case the respect for seniors was to override provisions of CrPC in the mind of Siby Mathew. Had any of these been done, *Siby Mathew would have been forced to write CD on 4.12.94 that Brigadier Srivastava referred in the statements of accused persons is "definitely not IGP Raman Srivastava"*.

Apart from this, CD written by Babu Raj on 24.11.94 clearly indicates that K.L. Bhasin admitted taking Rasheeda and Fauziya along with S.K. Sharma to the Army Club and also that as already available in the CD of Babu Raj, identified both women. With these information, the CD entry of Siby Mathew that the identity of Brigadier Srivastava is still not known, can be seen as a ruse to justify not clearing IGP Srivastava of the accusations. How can he write this, overlooking the CD of Babu Raj? It is done with the malicious intention to put IGP Srivastava under a heavy cloud of suspicion and put the department in blame and project Siby Mathew's own image as a honest officer who dared to expose a spy in the senior

levels of the Kerala Police. I will see this act of Siby Mathew as a malicious act with dubious intention, deserving exemplary punishment. Had we to go to the CBI to peruse records in Trivandrum Police offices and establishments to clear the alleged involvement of our own colleague?

(f) On page 24, para 'C' of the affidavit of CBI, it is stated that "Accused Sasikumaran has stated in the interrogation report of IB that accused Nambi Narayanan, Chandrasekhar and one Venu Nair met Zuheira at Room No. 108 of Luciya Hotel, Trivandrum on 23rd Sept. 1994 at 0930 hrs and amount of US \$ 9 lakhs was given to Raman Srivastava which he later handed over to Shankar Kumar s/o Nambi Narayanan who was waiting outside the hotel. It is alleged that Sasikumaran and S.K. Sharma loaded the secret documents in a taxi which were handed over to one Abdul Halil."

In the outcome part of investigations into this, the CBI states that

"As per the statement of Shri Reji Varghese, General Manager of Hotel Luciya, Trivandrum, no person named Zuheira or Abdul Halil stayed in the hotel on that day. Shri S.C. Naikwal, a Foreman of Air India stayed in Room No. 108 of Hotel Luciya, during the entire month of Sept. 1994 including 23.9.94. Records of ECA Club Bangalore indicate that S.K. Sharma visited the club on 23.9.94 and thus he could not have been present in Trivandrum on 23.9.94. Investigations also disclosed that accused Nambi Narayanan and D. Sasikumaran attended office on 23.9.94 and utilised the official car along with other scientists."

The facts have been proved by the CBI, through the ISRO administration office and questioning of General Manager of Luciya Hotel and perusal of records. Why could not this be done by our investigators? It is pertinent to note that the above verification was based on the statement of accused Sasikumaran himself. Can we ever believe that as part of a free and voluntary confession, a person will tell all these incriminating things on his own, when true facts are otherwise. I feel they had been hammered into giving these stories, precisely to involve IGP Srivastava in cash deals.

(g) It has been stated on page 25, para D that:

"Accused Fauziya Hassan and D. Sasikumaran have stated that the person called 'Brigadier Srivastava' is actually Raman Srivastava, IGP, Kerala Police, who was present in the meetings when ISRO documents were handed over to Fauziya Hassan, Zuheira etc." In reply to his allegation it is stated by the CBI that "During the CBI investigation, Shri Raman Srivastava, IGP, was

shown to accused Mariam Rasheeda, Fauziya Hassan, S.K. Sharma and D. Sasikumaran. None of them identified him. All the accused also denied to have met him before. Shri Raman Srivastava also denied having met any of the accused persons."

I am at a loss to understand as to why this identification could not have been done much earlier by Siby Mathew. Why did he not question Srivastava and verify his claims as the CBI has now done? If that was done, there could not have been any espionage case at all, and the fame and publicity that has come to Siby Mathew now, would not have been there. But one of our senior officers could have been spared the severe mental agony to himself and his family members, for years to come, if this verification was done.

(h) On page 26, para E of the affidavit, it is stated that "Interrogation of Sasikumaran by Intelligence Bureau indicates that Fauziya had stayed in August 1991 at the Hotel Fort Manor booked by Nambi Narayanan. She visited Trivandrum four times and collected documents and paid US\$ 18000. Fauziya used to book the documents for despatch to Pakistan."

In answer to this statement of Sasikumaran, the CBI swears before the Supreme Court that:

"During investigations by CBI, Shri Mohd S. Ahmed, Managing Director of Hotel Fort Manor stated that hotel became operational from 21.12.91 and as such, the alleged meeting of accused in August 1991 could not have taken place."

This statement of Sasikumaran was recorded by Kerala Police and had Siby Mathew just bothered to find out truth, probably in a matter of minutes, the whole statement by accused could have been proved false. Shri Ahmed, if requested would have turned up before Siby Mathew possibly in few minutes, since the hotel is just 200 metres away from the Crime Branch Headquarters.

I had so far no access to the statements of accused persons, but I believe that all the statements of accused persons have been fully fabricated in this case. It is further learnt that 162 statements are not there in the CD, but in their place only some scribbled notes by IB, are existing. This is hearsay but worth verifying. Also the remand reports are supposed to be worded, in an out of the way formal/text. From our experience of carrying out investigations, we know that no actual accused persons will ever confess to a crime, unless they are confronted with facts, records etc. which incriminate them. The surprising feature in the investigation of this case is that there had been no attempt whatsoever to recover/produce documentary proof to confront the accused, based on which they could be questioned and statements recorded.

To the best of my information, no incriminating material has so far been unearthed anywhere, but by whipping up media reports, a non-existing situation had been developed into a national crisis which gained global attention.

I have so far not come across any newspaper reports, quoting any officer of Kerala Police, investigating this case, though I have been told by few well known correspondents of major dailies and also a weekly, that Siby Mathew has spoken to them during the days of the spy scandal frenzy. Why did this officer do so, and with what motive? I firmly believe that it was Siby Mathew publicising himself as an ace investigator of Kerala Police who unearthed a spy scandal regarding space age technology and that too involving a very senior police officer of the same Police Force, in which the former works. Heroics of course, and great name and publicity for himself, but at what and whose cost? The entire family of Srivastava, which includes his father a former IGP, his younger brother, a DIG of Police, his brother-in-law, a DIG in our own cadre, have been put to unfathomable ignominy and irretrievable loss of reputation for the family at least for the next few generations. I fell what has been done to Raman Srivastava, by Siby Mathew and the team under him is unpardonable level of 'criminal conspiracy'.

I dare make the above statements since none of the actions taken by Siby Mathew is seen to be in consonance with established procedure laid down for investigation of criminal cases.

I am stating below other natural course of steps ought to have been taken in investigation of this case, from facts known to me through newspaper speculation, judgement of the Kerala High Court, the affidavit filed by CBI in SLP No. 942/1995 before the Supreme Court which records alone, I have had access to, so far.

The normal course of action in investigation of the case from the time of arrest of Rasheeda under the Foreigners Act, could have been as follows.

(a) Once it was known to the Crime Branch that Rasheeda was involved in smuggling of sensitive documents of ISRO, the local chief of ISRO in Trivandrum or the chief at Bangalore ought to have been questioned to confirm that there was possibility of sensitive space technology details accessible to subordinate officers in ISRO, being taken out and thus confirm that the alleged confession statement of Rasheeda, most probably a prostitute from Male, could be trusted upon without any recovery of materials in support of the confession.

(b) Accused Sasikumaran was transferred from Trivandrum to Ahmedabad and arrested only much later. During this time the

higher ups of ISRO in Bangalore Headquarters could be asked to come down, check up on their own, regarding likely loss/theft/removal of any documents from their establishment and the case under Official Secrets Act registered thereafter only. Our officers, have not done this at any time, I believe. Siby Mathew and his team performed in such way as to conform to the old method of a beat constable hammering a suspect taken into custody at night and the illiterate subordinate extracting confessions regarding thefts and recovering 'thondy' articles and later informing the owners of such stolen property, looking for small personal rewards from those who have got their property back without even complaining to police and also a possible 'pat on the back' from superior officer for the chance investigation and detection risking the life of the arrested and the beat constable's own career. Is there any difference in the instant case of alleged spy scandal, investigated by our officers. In nutshell, it means that without satisfying themselves about the possibility of any loss of documents/information/secrets, from the ISRO regarding space technology papers, our officers formed a story of spying and registered a case under Official Secrets Act. Had the Chairman of ISRO been questioned before altering the section of offence/registering new case, under the Official Secrets Act, there would have been no case in the beginning itself. This ought to have been done. If it is not done, all connected with registration and investigation is liable for the criminal lapse.

(c) From the documents, I have mentioned in earlier paragraphs, it gives me the impression that all those arrested have immediately confessed to the investigating officers that they all have been actively participating in spying activities along with Srivastava, IGP. It is seen, as stated earlier, that no attempt has been made to summon Srivastava, question him and hold an identification parade in the shortest possible time and arrest IGP Srivastava in case there was truth in the allegation and close the chapter.

(d) It is known to all of us that whenever an arrested accused person admits his guilt, in the absence of any recovery of material objects, as part of such confession, the most cogent and apt step by investigating officer, is to produce the accused before a magistrate and get their statements recorded under Section 164 Cr PC. It is in the High Court order that the accused have been videographed giving the confession with smiling faces. If so, in the absence of any recovery under Section 27 Evidence Act, the 164 statement ought to have been recorded. Why was it not done? I know a specific instance of Siby Mathew and Crime Branch Officers, taking a dealer of stolen property based at Trivandrum, to

Neyyattinkara Court for recording his 164 statement on his disclaiming seizure from his shop by the local SI. This was done to book the SI, to help a friend of Siby Mathew. This instance which I can prove, will indicate that Section 164 procedure was known to Siby Mathew and he had been getting it done regularly. In this case, he owes an answer to this big question, since the public believe that the accused confessed, but CBI refused to probe it further to help IGP Srivastava. Is this not jugglery by investigating officers?

(d) In the affidavit of the CBI, it is mentioned at many places "IB/Kerala Police Interrogation reports". The role played by IB in the investigation of this case and under what provision of law, is a relevant factor in this whole case. How did it happen that IB interrogated accused under custody of investigating officers? IB has no mandate to carry out any investigations whatsoever at any time. Do our Special Branch have the power/authority to investigate/question accused taken into police custody by the investigating officers of either local police or Crime Branch? How did it happen in this case that Crime Branch acted in an unusual way by handing over the accused. I certainly understand that we should work in tandem with IB. In that case the IB could have supplied a questionnaire to the investigating officer or approached the court themselves for permission to question the accused.

I feel it necessary to make a reference at this stage, to the decision of the High Court of Kerala in the writ appeal regarding the involvement of Srivastava in this case. The factual position regarding the case is referred in paragraphs 12 to 18, both inclusive of the court order.

In para 12, the court has stated that:

"Crime Branch of Kerala Police interrogated the accused who were arrested in connection with the case known as 'ISRO espionage case'. They were questioned in Crime No. 246/94 of Vanchiyoore Police Station. The case was subsequently entrusted with the Central Bureau of Investigation for further investigation. When the case was transferred to the Central Bureau of Investigation, the Deputy Inspector General of Police, Crime Investigation, made a summary of the result of the investigation conducted by him and his subordinates. He came to the conclusion that there is no clear proof regarding the identity of Brigadier Srivastava, who was allegedly present during the deals at Madras in January 1994 and at Indira Nagar, Bangalore in September 1994. In the said report he wanted further investigation to proceed to find the allegation that Sasikumaran contacted one journalist NRS Babu and leaked out information about IG Srivastava. Identity of the Briga-

dier also known as 'Coatwala' who took part in the meetings at Madras and Bangalore was also directed to be enquired into."

As I have stated earlier, the main point on which the High Court of Kerala was misled to have pointed out the fact that IGP Srivastava is most likely involved in spying, is on the suggestion by Siby Mathew that identity of the Brigadier/Coatwala is not known. Factually it is incorrect. As mentioned earlier, SP Babu Raj and Siby Mathew were well aware that Sqn. Ldr. K.L. Bhasin (Retd) was identified by the accused Rasheeda and Fauziya as the "Brigadier" who took them to the Army Club. This fact is borne out by CD of Babu Raj on 24.11.94. The question again arises as to why Siby Mathew did not exclude IGP Srivastava from the suspect list by quick verification of facts in Trivandrum itself more so in the light of CD of Babu Raj. This is what lead the High Court to issue an order castigating CBI and pointing to likely or rather certain involvement of Srivastava, which led to his suspension from service. Further, our investigators had left it to the CBI to verify whether Sasikumaran had mentioned the name of IGP Srivastava to journalist NRS Babu. It is a fact that NRS Babu is the brother-in-law of Sasikumaran and a senior investigative reporter of *Kerala Kaumudi* and is residing in Trivandrum city. Was it not possible to summon this witness in a matter of minutes and get at the truth, which the CBI had done later? This certainly could be done within 40 days, during which period Siby Mathew was investigating this case. Is it not clear to us from the above facts that Siby Mathew had been purposefully mischievous in his last CD on 4.12.94 i.e., the day on which CBI team took over the case. I believe this mischief was committed purposefully to harm Srivastava's career. It is also possible that Siby Mathew did not do so, independent of Addl. DGP Crimes, who positively had an axe to grind against IGP Srivastava.

Recently, I came across a news item in the back page of *Deepika* daily in bold letters that senior officers in the Vigilance Department are trying to hunt down Siby Mathew, for his upright actions in the ISRO case. It appears this is a purposeful news leak given at the behest of someone interested.

All these put together, I feel that in the longer interests of the department, we have to put an end to this sort of activities, as quickly as possible. It is well known that there are groups in our department. The CBI has stated so in their affidavit before the High Court of Kerala. This is mentioned on page 19 para 26 lines 4 to 6 of the High Court order as follows.

"After such questioning, Shri Dhankar reported that the name of Raman Srivastava has been dragged into as a result of some

internal politics of Kerala Police." I am sure you all will agree with this statement of Shri Dhankar of CBI before the High Court of Kerala. I am very certain that Srivastava is a victim of manipulations by the Crime Branch, under Addl. DGP Sathar Kunju.

The motive for Shri Sathar Kunju to go after IGP Raman Srivastava is already known to you from my petition regarding, Dy SP Yousuf Kunju and Sathar Kunju together taking photocopies of my affidavit, regarding Poonthura riots before the Aravindaksha Menon Commission. The enquiry report of IGP Srivastava in this matter submitted to you vide his letter No. 4783/Camp/IGP-SZ/94 dated 23.8.1994 will bear testimony to my statement of Crime Branch hunting down IGP Srivastava. There are many more such facts which I do not desire to bring out now in the larger interest of the department.

In view of all that I have brought out in earlier parts of this letter, I feel, the DGP may kindly consider, a departmental audit of the background of the case as such and the investigation of the case by Crime Branch of Kerala Police by a team of senior officers and the report of such audit and further suitable action initiated.

I am making a copy of this letter to DGP Shri K.V. Rajagopalan Nair and other serving Additional Director Generals of Police, since you may not be in a position to pursue this matter due to your leaving the department on superannuation by the end of the month.

Sd/-

Joseph Thomas, IPS
Addl. D.G.P.

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